CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JULY 27, 2020 6:00 PM

6:00 PM - The Lincoln City Council for July 27, 2020 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org and those comments will be entered into the record and provided to the City Council. The City Council may request that the public comments are summarized or read aloud.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required to observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

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 the City Recorder, 541-996-1203.

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 "Agenda, Packets & Video". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – July 13, 2020 6:00 PM

E. COUNCIL DELIBERATIONS

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

2. Public Comments

G. PRESENTATIONS

3. Lincoln City Cultural Center 2020 Annual Report

H. PUBLIC HEARINGS / PUBLIC COMMENTS

4. Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area

I. ORDINANCES

5. ORDINANCE NO. 2020-20 AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

6. ORDINANCE NO. 2020-10 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

7. ORDINANCE NO. 2020-13 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

8. Request to Continue Second Reading to August 10, 2020 ORDINANCE NO. 2020-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

9. Continuance of Second Reading to August 10, 2020 ORDINANCE NO. 2020-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

10. Second Reading : ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

11. ORDINANCE 2020-18 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

J. RESOLUTIONS

K. SPECIAL ORDER OF BUSINESS

12. Villages at Cascade Head Renaming

13. Performance Review Process for Employees of the City Council

14. West Devils Lake Road Temporary Closure

15. COVID-19 Update

L. CITY MANAGER/CITY ATTORNEY REPORTS

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

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

O. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

P. ACTIONS, IF ANY, BASED ON WORKSESSION, EXECUTIVE SESSION OR CITIZEN COMMENT

Q. ADJOURNMENT

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

July 13, 2020, 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

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Diane Kusz	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: Ron Chandler, City Manager; Richard Appicello, City Attorney; AnneMarie Skinner, Planning Director; Jerry Palmer, Chief of Police; David Broderick, Lieutenant, Lincoln City Police; Debbie Bridges, Finance Director; Alison Robertson, Urban Renewal and Economic Development Director; Jodi Mescher, Economic Development Coordinator; David Twigg, I.T. Support Specialist.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was skipped because this meeting was held remotely.

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Work Session – March 16, 2020 10:30 AM

2. Regular Meeting – Minutes of Special Meeting – June 29, 2020 10:00 AM

3. Oregon Liquor Control Commission- Application for On and Off Premises License- Pub Fish & Chips

MOTION:	**To Approve the Consent Agenda**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

E. COUNCIL DELIBERATIONS

None.

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

Mr. Chandler read a summary of public comments. These are attached to these minutes.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

4. Public Hearing: ORDINANCE 2020-18- SW Bard Road LID

Mr. Appicello advised that this is the final step in the LID process and the final assessment. The improvement has been constructed and it cost less than estimated. The assessments on benefited property owners will be less.

PUBLIC COMMENT: *Robert Thomas, Bard Rd, Lincoln City: Has lived on Bard Road for 30 years. Wanted sewer on Bard Road and talked to Public Works about 15 years ago. He feels this final estimate wasn't handled correctly due to the extra development at Olivia Beach. Mr. Thomas discussed the economic impact of the pandemic on people's ability to pay the final assessment and said he would like the assessment postponed for 6 months.*

Mr. Appicello recommended that Council complete 1st reading of the associated ordinance tonight and then do 2nd reading on the 27th of July. This allows Mr. Appicello and Public Works to discuss potential deferral of costs.

MOTION:	**Motion to close the Public Hearing- Ordinance 2020-18**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Diana Hinton, Councilor Ward 1**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

5. ZOA 2020-01 Procedures - an ordinance amendment to organize land use permits and applications into procedure types of Type I, II, III, or IV with associated application forms and checklists; add a table showing each permit and application with its associated number

AnneMarie Skinner advised that this item would re-organize land use procedures into four types. 1: Ministerial, handled by staff; 2: Administrative, more subjective matters still handled by staff, with a public notice being required; 3: Quasi-judicial, requiring a public hearing; 4: Legislative.

The Planning Commission recommended Council approve this item.

MOTION:	**Motion to Close the Public Hearing and the Record for ZOA 2020-01**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed**

J. ORDINANCES

6. ORDINANCE NO. 2020-10 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

MOTION:	**Motion to approve 1st reading of Ordinance 2020-10, with approved changes (see below motion)**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Judy Casper, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

7. MOTION REGARDING ORDINANCE 2020-10: MOTION TO REMOVE THE SECOND SENTENCE ON PAGE 86 PERTAINING TO BRIGHT COLORS

PRE-MOTION DISCUSSION

Discussion took place about language referring to bright colors. Councilor Hinton suggested removing a sentence stating that brighter colors are acceptable. Councilor Mark expressed concern at striking the sentence regarding brighter colors. Councilor Kusz asked for a definition of brighter colors. Councilor Parsons asked for a definition and said he was currently for keeping the language as written. Councilor Hoagland also wanted a definition.

Mr. Appicello confirmed that "bright colors" are not "luminescent, sparkling, neon and day-glo". These are prohibited, except for neon signs when permitted by the sign codes.

MOTION:	**Remove the second sentence on p86 of Ordinance 2020-10 pertaining to bright colors**
MOVER:	**Diana Hinton, Councilor Ward 1**
SECONDER:	**Judy Casper, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz
NAYS:	Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

8. ORDINANCE NO. 2020-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

AnneMarie Skinner explained that this ordinance will give all commercial areas in Lincoln City a level playing field regarding signs. Also added is a definition of the term "glare" and text regarding "glare" being prohibited.

Council gave unanimous consent to set Second Reading to July 27, 2020.

MOTION:	**Motion to approve First Reading of Ordinance 2020-14**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

9. ORDINANCE NO. 2020-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Richard Appicello was asked how these changes would apply to projects already approved under the existing Chapter 17.76 code. Mr. Appicello said he would answer that question at or before the next meeting.

Council gave unanimous consent to have Second Reading of this Ordinance on July 27.

MOTION:	**Motion to approve First Reading of Ordinance 2020-15**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Diana Hinton, Councilor Ward 1**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

10. ORDINANCE NO. 2020-13 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

Councilor Hinton noticed a clerical error on page 463 of the packet (actually page 462). It appears that dwellings over 1,000 square feet should have 2 parking spaces but the 2 has been struck out. AnneMarie Skinner confirmed the "2" should not be struck out.

Councilor Hinton noticed a typo- "spacee" instead of "space" on page 462.

Councilor Hinton also said that the word "pearls" on page 469 of the packet should be changed to business districts. AnneMarie Skinner confirmed that change should be made.

Richard Appicello said he would make these changes for the second reading on July 27, 2020.

Council gave unanimous consent to hold second reading on July 27.

MOTION:	**Motion to approve First Reading of Ordinance 2020-13**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Diane Kusz, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

11. ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Councilor Casper asked about day care centers. AnneMarie Skinner said that staff were going to check the state's definition of day care center and incorporate it. AnneMarie Skinner confirmed that a day care home doesn't require any special permits from the City other than an occupation tax permit. Day care homes are regulated by the state, not the City.

Councilor Hinton noticed that "pearls" were defined on page 525. Ms. Skinner said that pearls are still referenced in Title 17 so the definition has a purpose.

Council gave unanimous consent to have 2nd reading of this ordinance on July 27.

MOTION:	**Motion to approve First Reading of Ordinance 2020-17**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

12. ORDINANCE 2020-18 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

Mr. Appicello would like to set second reading for July 27. Mr. Appicello wants to state during Second Reading that deferral for potential units is available.

Mayor Anderson notes the cost of this assessment is $42,000 less than estimated.

Councilor Mark asked if this project would lead to Bard Road getting paved. Mayor Anderson said that the citizens of Bard Road would be welcome to form another LID for paving if they wished.

Council gave unanimous consent to have second reading of this ordinance on July 27.

MOTION:	**Motion to approve Ordinance 2018-18**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

13. FINAL ORDER 2020-2: CPA & ZC 2020-01 Scrutton, et al zone change

MOTION:	**Motion to approve Final Order 2020-02**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Diana Hinton, Councilor Ward 1**
AYES:	Casper, Hinton, Hoagland, Mark, Parsons
NAYS:	Anderson, Kusz
RESULT:	**Passed by Roll Call Vote**

14. Economic Development: New Tools for Housing

Jodi Mescher and Alison Robertson presented a PowerPoint. Ms. Mescher said that Lincoln City needs 1,649 new housing units over the next 20 years. Councilor Mark asked if there was sufficient land to build these units. Ms. Robertson said the Housing Needs Assessment included a Building Lands inventory, and she recalls that inventory showed Lincoln City has plenty of land available for housing.

Council gave consensus to add the Facade Improvement Loan Program, Energy Efficiency Loan Program, Pre-Development Assistance Program, and Infrastructure Assistance Program to residential properties. Council also gave consensus to add a Mixed-Use Housing Loan Program and a Workforce Housing Loan Program.

During discussion of eligibility criteria, Mayor Anderson asked that, for income qualifying purposes, the word "applicant" be added since, during the Urban Renewal Agency meeting, the Agency wanted to make sure that renter occupants could benefit from these tools..

Councilor Mark asked if a refined version of this presentation would be given in the near future. Ms. Mescher said that, based on feedback heard tonight, tools would be brought back to Council for review.

Council wants to offer these incentives to all types of housing, including Accessory Dwelling Units (ADU's).

Council wants to offer these programs to owner-occupied houses and renter-occupied houses.

Council is willing to accept applications from non-profits and from for-profit, private property owners.

Mayor Anderson said he's happy that we are subsiding projects for people with incomes between 80 and 120% of the median. He notes that there aren't any projects subsiding housing for people making more than 80% of median income. Council agreed with Mayor Anderson.

Ms. Robertson said she will also bring back ideas regarding energy efficiency loans (such as replacing all toilets in an apartment complex with low-flow toilets) back to City Council.

15. Urban Renewal District and Property Taxes

Mr. Chandler explained how Urban Renewal Property Tax works. Your overall tax bill does not increase with Urban Renewal. However, the allocations to your local City will change since some of your tax will go to the Urban Renewal district. People outside the Urban Renewal district in the City will also see an allocation of their City taxes going to the Urban Renewal district.

When an Urban Renewal District is created, its Tax Assessed Value is frozen at the time of its creation. An Urban Renewal Agency raises revenue in subsequent years from growth above the set Tax Assessed Amount. This is known as the "Increment".

In order to preserve the tax equity of the Increment, Urban Renewal agencies apply the division of increased property taxes within the district and outside the district.

16. COVID-19 Update

Mr. Chandler asked Council if he could discuss COVID-19 and the 4th of July.

Mr. Chandler advised that, effective 7/15/2020, Oregon's face covering requirement expands to include outdoor public spaces when 6 feet of distance cannot be maintained. Also, indoor gatherings of more than 10 people will be prohibited. Businesses and churches are exempt from the indoor gathering rule.

Mr. Chandler reported that Oregon had more COVID-19 cases last week than in the entire month of May. The last time Oregon reported less than 100 cases was over a month ago. Half of all Oregon cases are in people under the age of 40. 2 Oregonians in their 30's have died with COVID-19 to date.

Lincoln County Board of Commissioners voted to extend the 24 hour holding period for short term lodging until August 18 for unincorporated Lincoln County and Yachats.

Mr. Chandler noted the lack of a 4th of July event due to COVID-19 led to a different 4th of July in Lincoln City. There were less people in the Taft area and more in north Lincoln City. Mr. Chandler is gathering information on July 4 tourism and will present the information to Council in the next few days.

Mr. Chandler reported on police presence and activity around Lincoln City on the 4th of July.

Mr. Chandler asked for City Council to discuss expectations. Every year the City has done more to try and control the use of illegal and legal fireworks. The City has expanded its education campaign. The Police Department has issued citations this year as well as confiscating fireworks. The City is using Polaris off-road vehicles to patrol the beach. Mr. Chandler asked what the City Council expects regarding dealing with fireworks? Mr. Chandler says that, if the Council's goal is to have no fireworks on the beach, the City doesn't have the manpower to stop all fireworks on the beach. Mr. Chandler would like to see the state assist since the beach is state property and the laws prohibiting legal fireworks on the beach are state laws.

Mayor Anderson noted that he had talked to Mayors up and down the coast and the consensus was the entire coast was inundated this year with illegal fireworks.

Councilor Hinton said she spoke with Commissioner Jacobson from Lincoln County today and Commissioner Jacobson asked if Councilor Hinton would ask Council about reducing the indoor gathering limit from 25 to 10. Councilor Hinton also said Lincoln County has an excellent new COVID resource page on their website.

Councilor Hinton asked if the City had applied for any additional COVID funding? Debbie Bridges said that the City is watching for additional funding opportunities.

Mayor Anderson said the City has COVID information on its website as well.

Councilor Casper said that face shields are good alternatives to face coverings for people with a medical condition.

M. CITY MANAGER/CITY ATTORNEY REPORTS

City Attorney Appicello discussed the need to either schedule a Planning Commission meeting or have City Council call up a decision that the Planning Commission made at their last meeting.

Mr. Chandler said he would talk with Planning Commission chair Patti Kroen about having a Planning Commission meeting this month (Tuesday July 21).

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

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

No additional comments were emailed to Mr. Chandler. No members of the public were in the Council Chambers.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Mayor Anderson and Council congratulated Councilor Mark on his recent marriage.

Councilor Hinton, Councilor Hoagland, and Mayor Anderson thanked departing Planning Director AnneMarie Skinner for her service.

Councilor Parsons expressed cautious optimism about Lincoln County's COVID-19 numbers.

Councilor Mark said he was pleased with the general compliance with face coverings in the grocery stores. With regard to fireworks enforcement, Councilor Mark asked how many extra law enforcement officers would we need? Councilor Mark also suggested concentrating police presence in areas that are most impacted, such as Roads End.

Councilor Hoagland discussed a citizen concern regarding a new sidewalk at SE 19th St. There's concern that drivers won't see pedestrians crossing there. Could we have strong signage or look at this situation again?

Q. ADJOURNMENT

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Ronald Chandler

From: Cassandra Anderson [redacted]
Sent: Monday, June 22, 2020 7:53 PM
To: Public Comment; City Council
Subject: Mask Education for Tourists

Hello,
My name is Cassandra Anderson and I am a registered nurse at the hospital in in Newport. I have lived in Lincoln City for over 30 years. I graduated from Taft High school and was in the 3rd nursing class to graduate from Oregon Coast Community College.

I have noticed a drastically higher amount of people wearing masks in Newport grocery stores in comparison to Lincoln City. Is it possible to get a sign from ODOT to inform all of the visitors that masks are required in all public areas indoors? Newport has a sign like this and it appears to be helping (when you observe people in public).

Thank you for your consideration as additional reminders appear to be necessary.

Sincerely,
Cassandra Anderson
[redacted]

Sent from my iPhone

Ronald Chandler

From: Ronald Chandler
Sent: Friday, June 26, 2020 11:30 AM
To: Laurel Barton
Subject: RE: Can an restaurant enforce the mask law?

Dear Mrs. Barton:

Thank you for your emails. I'll make sure a copy of this email is sent to all of the City Council.

Sincerely yours,
Ron Chandler

From: Laurel Barton [redacted]
Sent: Thursday, June 25, 2020 3:18 PM
To: Diana Hinton <dhinton@lincolncity.org>
Cc: Ronald Chandler <rchandler@lincolncity.org>
Subject: Re: Can an restaurant enforce the mask law?

Thanks, Diana (and Ron). I like the idea of positive reinforcement like "I wear because I care." Business owners should be forced to comply for the good of their employees and to prevent another Pacific Seafoods or Newport McDonald's situation.

I won't go back to a place that doesn't enforce the rule and will let them know why.

On Thu, Jun 25, 2020 at 11:30 AM Diana Hinton <dhinton@lincolncity.org> wrote:

> Hi Laurel,
>
> Yes, and the baristas can call OSHA to make a complaint. I believe the complaint would be against the business owner. This is a very difficult thing to enforce and that is why it took so long to be put into place.
>
> I've cc'd Ron Chandler as I think we, Council, and city staff will have to talk more about enforcement/strong education for all businesses. The businesses have a right to not serve customers without a mask but it is up to them.
>
> When we had to start wearing seatbelts we learned the phrase 'click it or ticket'. Maybe we need one for masks. One I've heard was 'mask it or casket', but that's a little harsh.
>
> Thank you for your email. If you have any suggestions, please send them our way.
>
> Diana
>
> Get Outlook for iOS

From: Laurel Barton [redacted]
Sent: Thursday, June 25, 2020 11:08 AM
To: Diana Hinton
Subject: Can an restaurant enforce the mask law?

Diana,

I just came from Pacific Grind and there were *many* customers without masks. I chastised a few as I am fed up with ignorance. The barista thanked me and said they are *not allowed to say anything to the customers!* Shouldn't the restaurant be required to re-enforce the rule, i.e., say " I cannot serve you if you won't wear a mask?"

Thanks!

Laurel

Laurel Barton
[redacted]
Available on Amazon: "Walking in Italy's Val Gardena" and "Walking in Switzerland's Berner Oberland"

Follow me at www.Girovaga.com

Ronald Chandler

From: Ronald Chandler
Sent: Friday, June 26, 2020 11:34 AM
To: [redacted]
Cc: lincolncocallcenter@co.lincoln.or.us
Subject: RE: Masks not being enforced at Safeway

Dear Sir:

Thank you for your email. I'm forwarding your email to the Lincoln County Health and Human Services call center who is receiving these complaints. Thank you again.

Sincerely yours,

Ron Chandler
CITY MANAGER

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1200 | F: 541-994-7232
E: rchandler@lincolncity.org | W: LincolnCity.org

From: [redacted]
Sent: Wednesday, June 24, 2020 5:23 PM
To: Ronald Chandler <rchandler@lincolncity.org>
Subject: Masks not being enforced at Safeway

Just got back from Safeway in Lincoln City. Wow so many people must have a medical reason for not wearing masks. Some lady not wearing a came right up next to me to ask a question. Clearly Safeway is not bothering to enforce the mask requirement. I can understand a person here or there that might have a medical condition not wearing one but the were several not wearing masks, using the self checkout with no sanitation between customers and no social distancing. I visited at 5pm today.
Sent from Yahoo Ma il on Android

Ronald Chandler

From: Ronald Chandler
Sent: Friday, June 26, 2020 11:39 AM
To: Constance Wentz
Cc: lincolncocallcenter@co.lincoln.or.us
Subject: RE: Mask Mandate

Dear Mrs. Wentz:

Thank you for your email. The Lincoln County Health and Human Services has set up a call center to receive and look into complaints about the masks and other COVID-19 issues. I'm sending this email to the call center for their review and action. Thanks again for writing.

Sincerely yours,
Ron Chandler
CITY MANAGER

—

-----Original Message-----
From: Constance Wentz [redacted]
Sent: Wednesday, June 24, 2020 5:13 PM
To: Ronald Chandler <rchandler@lincolncity.org>
Subject: Mask Mandate

Dear Mr Chandler,
Both myself and my husband have been residents of Lincoln City since 1976. I am very proud of our City for taking immediate steps in closing down our City at the onset of the Virus with only one exception, Safeway. Safeway refuses to monitor the people who go in and out of their doors. Even during the hours that they have supposedly set aside as Senior and At Risk hours.
Today was the first day of the Governors order for ALL to wear masks in public places here in Lincoln County. My husband and I drove around Lincoln City to see how that order was being held up. All but Safeway were complying the new Mandate. We sat outside for 15 minutes and watched a large amount of people of all ages walk in and out of Safeway not wearing masks. My husband went inside to see if the people were putting on masks as they entered. What he found was extremely alarming.
The 'Wear Masks' signs were not very visible, no one was at the door monitoring people going in. People were just walking in without masks and shopping without the masks. My husband asked the person at the Customer Service counter why were they not complying with the new Mandate. What he was told is that they cannot enforce the Mandate and they could not ask the people if they were in the "exempt" group. There is NO way that that many people had medical issues to exclude them from wearing masks.
I am a person who has experienced severely damaged lungs due to the H1N1 Virus in 2009. I would be one of those who would be exempt from wearing a mask. However, I do wear a mask even so. It is not difficult to do.
I realize that with HIPPA you cannot ask someone what their medical problem is, but you can ask them if there is a reason why they feel that they cannot or should not wear a mask. This Mandate needs more teeth. Why can't the State require those who fit in the "exempt" status be required to get a note from their Physician stating that they should not wear a mask due to medical reasons. That note would need to be written on a Prescription pad form signed by the

Physician. They could carry this note with them and show it if needed to prove that they had a condition that excludes them from wearing a mask.

I am happy to report that Kenny's IGA, McKay's, BiMart, and Grocery Outlet along with the Outlet Mall and Casino were following the Mask Mandate. It is just Safeway who seems to thumb their noses at the Mandate. If other business need to comply why not Safeway?

Thank you for taking the time to read about my concern. Hopefully you can take measures to make Safeway comply with the Governor's order.

Sincerely,

Constance Wentz

[redacted]

Ronald Chandler

From: [redacted]
Sent: Tuesday, June 30, 2020 11:08 AM
To: Public Comment
Subject: Thank you

I desire to thank you for the Economic Relief Program. It allows me to bring back both my part time staff and keep my store open. The grant has gifted me a huge sigh of relief after being closed for the 2 months which usually kicks off the tourist season. I am very grateful for your program and how the city is being here for the local businesses in Lincoln City during this interesting time.
Again, I am truly grateful for your support which has given me comfort in staying open and rehiring my staff back.
I feel this is a win win for all of us.

May the Goddess of Happiness be with you

Claire Hagen
Sapphire Center
[redacted]

Ronald Chandler

From: David Jamieson [redacted]
Sent: Friday, July 10, 2020 1:23 PM
To: Public Comment
Subject: Roads End, July 4th Holiday Weekend Fireworks, ideas ...

Dear Mayor and City Council Members,

First I'd like to extend a thank you for your ongoing work regarding the extremely challenging issue of illegal fireworks. I was involved in at least one of the fireworks committee meetings that City Manager Ron Chandler hosted. I appreciate the open dialog and search for solutions.

I'd also like to express my gratitude to the Lincoln City Police Department for their ongoing efforts to reduce the severity of illegal fireworks by stationing an ATV in Roads End, bringing in officers from Toledo and confiscating (and ticketing) illegal fireworks from "bad actors."

Sadly, while the LCPD did everything they could (prior to being called away by the Inn at Spanish Head nightmare) they are over-matched by the sheer volume of activity. It's a serious game of "whack a mole." The LCPD force would have to grow 10 or 20 fold to effectively manage the illegal activity both on the beach and in the neighborhoods. That is very unlikely to happen.

I think it's come to the point where three things must happen:

1. Some concerted effort to address the source of illegal fireworks in Oregon, WA State and Idaho in particular. How does the general public get its hands on commercial grade skyrockets, explosives, and other similar products. Those should only be sold to licensed people/companies for the purpose of holding legal fireworks shows like at Taft, Devil's Lake, etc. There is a supply chain at work and it needs disrupting!

2. A re-thinking of (legal) Oregon fireworks in Lincoln City - I'd support a community event held at a safe location where people could bring their kids and set off Oregon approved fireworks. Make it a community event (given Coronavirus abates or course). Remove them from the neighborhoods entirely. This would only be somewhat effective of course but would set the tone for ...

3. A zero tolerance for fireworks in Lincoln City neighborhoods and on the beach. With some form of pre-printed ticket the police can quickly hand out to offenders coupled with taking a cell phone snapshot of their ID. And confiscating everything of course. But they must be able to move faster ... not spending 20 minutes with each offender. Take a picture of their ID, hand them a ticket, take the fireworks away. On a sliding scale of "egregiousness" of course for practical purposes

I understand that like a long freight train, slowing this down (let alone stopping it altogether), takes time. I also understand the importance of tourism to LC's revenue stream. But healthy tourism does NOT equal illegal activity. And that's what we have now ... a reputation as a good place to go to set off illegal fireworks over the holiday.

Thanks for reading.

Best,

David Jamieson
[redacted]
"Stay Home, Save Lives"

Ronald Chandler

From: Russell Karow [redacted]
Sent: Sunday, July 12, 2020 9:52 AM
To: Public Comment
Cc: Diana Hinton; Russell Karow
Subject: ideas on dealing with illegal fireworks

Lincoln City Council Members and Staff
Regarding illegal fireworks on the beach in Roads End

- To truly address the issue of illegal fireworks use in Lincoln City, we need to change culture. To do this, we need enforcement. Education about the law is not working.
- The act of enforcement directly on the beach does not work and likely cannot realistically be made to work.
- Sporting events can check bags for not allowed items; concert goers can be screened for contraband; those entering a government building can be asked to pass a security check. There must be regulations that allows for authorized personnel to check for illegal items prior to entry to public facilities and events. Who has the authority to grant permission for such?
- If permission can be obtained, for a year or two, hire security guards (we do not think it is appropriate or safe for citizens to do this) to check people entering the beach. Have signage up and down the roads leading to each entry that bags will be checked and illegal materials confiscated. There should be no confusion about expectations. The Roads End Improvement Association could be asked to cost share with the city on this experiment and we think would agree to do so. Roads End is a logical place to experiment as beach access could be fairly easily controlled.
- Require VRD owners/rental agencies to post in their dwelling and on their webpages for Roads End houses that illegal fireworks will be confiscated and fines issued. Remind owners/agencies that their licenses could be in jeopardy during the renewal process if illegal activity is associated with their rentals.
- People with illegal materials could still directly enter the beach from homes with access, but enforcement on the beach should be simplified.
- In a two to three-year period, the message should get out that Roads End is not a place to set of illegal fireworks – culture change. If this process proves workable in Roads End, it could be used in other areas of the community.

Another idea is to research how other beach communities are dealing with illegal fireworks. We cannot be alone in dealing with this issue.

Albert Einstein said, “Insanity is doing the same thing over and over again and expecting different results.” It seems time to try something different.

Respectfully,
Russ and Marla Karow
Second home owners in Roads End for 20 years

Ronald Chandler

From: [redacted]
Sent: Sunday, July 12, 2020 3:16 PM
To: Public Comment
Cc: Ronald Chandler; Jerry Palmer
Subject: Monday July 13 City Council session

Dear Mayor and City Council members,

Unlawful activities in north Lincoln City surrounding the July 4th holiday were a disaster of illegal fireworks. For several nights preceding the 4th and for a week after, our neighborhood withstood hours of exploding "bombs" and illegal fireworks which shook houses, terrified pets, woke sleeping babies, and filled the air with sulfurous smoke, often until 2 a.m. This area resembled a war zone, not a restful, beautiful beach community.

This lawless activity came after a 2 year city-directed educational campaign to let the out of town tourist trade know that illegal fireworks will not be tolerated in Lincoln City, and violators will be cited and fined. This was to discourage out of town visitors who purchase illegal fireworks in other states, then rent VRD's in Lincoln City in order to entertain themselves by setting off these dangerous and exploding fireworks well past midnight.

Did our educational strategy work? Judging by the antics this year NO it did not! The problem has only increased, and the culture of coming to Lincoln City to set off these dangerous explosives only continues because the offenders know they won't get caught or be cited in our city. Our enforcement procedures are minimal and untimely. These offenders come here from other states and communities to behave in ways that would not be tolerated in their own communities, and they expect us to tolerate their illegal acts, arrogant attitudes, and rude behavior.

A major change in our city culture can only come about if residents demand that our Mayor, City Council, City Manager and Chief of Police find and deliver timely, effective enforcement techniques to these law violators. We need our city leadership to have the will and courage to stand up to these bullies, protect our beautiful coast city from the disrespect of those who only come here to violate the rights of our residents and law abiding visitors, and abuse our environment by entertaining themselves with exploding illegal devices.

Respectfully,

Cindy Thompson
Elaine Walsh
Lincoln City, OR

Ronald Chandler

From: Nikki Hayes [redacted]
Sent: Sunday, July 12, 2020 5:05 PM
To: Public Comment
Subject: Officer Gregg

We had a lovely young woman come to our door on Friday having left an abusive relationship. She needed a place to stay and because of my husbands immune issues I was not able to accommodate her so I called the shelter, full so I called the back line of the police department to see if they had any ideas. She wanted to talk with them and asked that an officer come. Officer Rigg came and spoke to her gave her a hug and drove her to lodging. I want To commend him for his kindness.
Nikki and Richard Hayes

Sent from my iPhone

Ronald Chandler

From: Annette Guido [redacted]
Sent: Sunday, July 12, 2020 10:27 PM
To: Public Comment; Dick Anderson; Ronald Chandler; Diana Hinton; Riley Hoagland; Diane Kusz; Judy Casper; Rick Mark; Mitch Parsons
Subject: fireworks concerns

Dear Mayor Anderson, City Councilors and City Manager Chandler,

I am writing to express my concerns re: the excess of illegal fireworks deployed in my neighborhood (Roads End) on and around the July 4th holiday.

My greatest concern regards safety:
-People certainly can choose to take risk into their own hands (literally and figuratively) when they ignite high power fireworks but it is ridiculous for them to ignore the potential risk of personal injury to others including children. The internet abounds with videos of fireworks gone awry and many stories document injuries to bystanders. As far as I know, no serious injuries occurred in Lincoln City but only emergency medical providers could answer that question. Have you heard from any in support of fireworks?

-Fireworks fired over homes and wooded or grassy areas are a recipe for disaster. We haven't had a conflagration yet but it is only a matter of time.

-Wildlife is put at risk due to debris falling into or washing into the ocean. Wildlife are also disrupted by the loud bangs occurring randomly and over numerous nights lasting until 2 am.

My second concern is the nuisance factor:
-it does not seem reasonable to allow fireworks to be fired over residential neighborhoods—exploding late into the night and extending for several days on either side of the July 4th holiday.
-there was a lot of plastic and other debris on the beach and on the roadways in the neighborhood—I joined many others in the SOLV beach cleanup but didn't see many (?any) of those whom I had observed setting the fireworks off the night before.

I personally observed that our local officers were hard at work trying to manage a tough situation—I saw them in their patrol car on the streets of Roads End and in the ATV on the beach. The patent disregard for local and state laws banning fireworks (despite multiple large signs) by those shooting them off demonstrates that what we are doing to control use of illegal fireworks is clearly not working.

I look forward to hearing some creative thinking and effective actions from all of you and from our police chief and officers addressing this risky behavior and stand ready to support and assist in any way possible.

Thanks,
Annette Guido, MD
[redacted]

Ronald Chandler

From: Ronald Chandler
Sent: Monday, July 13, 2020 8:17 AM
To: Public Comment
Subject: FW: Illegal Fireworks
Attachments: Fireworks.docx

-----Original Message-----
From: Patti Kroen [redacted]
Sent: Sunday, July 12, 2020 1:47 PM
To: Ronald Chandler <rchandler@lincolncity.org>; Dick Anderson <anderson@lincolncity.org>; Diana Hinton <dhinton@lincolncity.org>; Riley Hoagland <rhoagland@lincolncity.org>; Judy Casper <jcasper@lincolncity.org>; Mitch Parsons <mparsons@lincolncity.org>; Diane Kusz <dkusz@lincolncity.org>; Rick Mark <rmark@lincolncity.org>
Subject: Illegal Fireworks

Greetings,

Thanks in advance for taking the time to read our letter in preparation for your discussion at Monday's council meeting.

Cheers, Patti and Paul Kroen

--
Do not mistake activity for achievement.
John Wooden

To: Ron Chandler, Mayor Anderson, City Councilors, and Chief Palmer

RE: Annual Illegal Fireworks in Roads End

11 July 2020

Greetings:

Once again, our neighborhood was turned into a dangerous war zone for many hours on several nights over the 4th of July weekend. In fact, we had another display of illegal fireworks set off at 2:00am the morning of Saturday July 11th, marking a full week of such activity. We recall our City Manager indicating that education was one of the fundamental approaches the city would take to curb illegal fireworks activity in the city and we had hoped that the new signs installed at each beach entrance, along with the additional signs placed at various locations in the neighborhood, would educate visitors. Unfortunately, our true expectations were met when it proved to be wholly ineffective at lessening the illegal activity. I believe we have now firmly established a culture in this community where illegal fireworks are tolerated and the lawless visitors feel no threat of consequences for their actions.

Our neighborhood was absolutely packed with tourists. We called in several instances where VRD capacity was well over the licensed number allowed, with extra cars parked blocking streets and driveways of permanent residents. We watched revelers pack up their explosives and head to the beach. Once on the beach in the dark, it becomes almost impossible for the police to catch these folks in the act. Even from our elevated vantage point, it is difficult to identify where on the beach the rockets are originating. We felt the frustration that the police must have been feeling.

However, we did witness illegal activity that we could pinpoint. In the VRD directly across the street from our home, the visitors decided it would be a good idea to light commercial-grade fireworks from the home's old wooden deck. When the police responded to our call, we watched from our window as the officer talked to the individual but did not bother to go see where he was shooting them from, nor issue any sort of ticket. Once the officer left, they waited 30 minutes and resumed their activities. By this time, the incident at Spanish Head had drawn several of the officers from our neighborhood and no one came back to see them again. We did not call the police back, understanding the futility of such an exercise. The police were simply overwhelmed and unable to stop the mayhem. Numerous calls to the management company went unanswered.

We live in a dangerous natural environment and along with tsunami and earthquake hazards, fire is a huge issue for this neighborhood. I believe we were lucky this year that a fire was not started or property damaged. But it is only a matter of time. In addition to the illegal fireworks rocketing from the deck of the VRD, one family decided to light an entire family pack of legal fireworks (fountains, etc.) in the grass of a vacant lot behind our house. If this year was as dry as last year, we would have had a grass fire.

So, here are our suggestions for next year:

1. Ban the sale of all fireworks (legal and otherwise) in the city. Emphasize the negative impacts to wildlife, forest habitats, veterans with PTSD, wildfire hazards, our beaches and the protected ocean environment.
2. Close the beaches at dusk on July 4th until 7am July 5th. Ticket anyone found on the beach during that closure. This would make it easier for the police – if you are on the beach, it results in a ticket.
3. Hold the VRD management companies and owners responsible for illegal behavior in their rentals. First offense earns a fine, second offense and you lose your license. This goes for not only illegal fireworks but occupancy violations, excess illegally parked cars, and noise violations.
4. Require as a part of the VRD license all management companies and owners to post on their rental websites and inside the dwellings a poster regarding consequences for illegal activities and the residential quality of the neighborhoods where the rentals are located.
5. Since the city is so dependent on tourism and those tourists are primarily staying in VRDs, re-direct some money to hire and maintain adequate city staff to oversee the VRDs. Current staffing is simply not adequate to appropriately deal with the myriad of issues associated with absentee owners and Internet-based management. Relying on resident neighbors to monitor behavior and report violations is not fair to the residents of our city and transfers responsibilities from the management companies and owners to our residents. Given the absentee nature of VRD management via Internet, this is simply unfair and clearly not working.

It is unfortunate that we now live in an environment where disrespect for each other and the law has become commonplace. Lincoln City has quickly earned a reputation as the place to go if you want to behave however you want without consequences. The incident at Spanish Head and the fact that these individuals were not new to our city drives that point home and drives the type of tourist we want away. We understand the city depends on tourism but we think it is time we ask ourselves exactly which tourists we want to encourage to come here and we proactively seek ways to make that happen.

Thanks,

Patti and Paul Kroen

Ronald Chandler

From: Ronald Chandler
Sent: Monday, July 13, 2020 8:21 AM
To: [redacted]
Cc: Public Comment; City Council
Subject: RE: Monday July 13 City Council session

Dear Cindy and Elaine:

Thank you for your email. I'm forwarding it to the City Council and will make sure that it is added to the record for tonight's meeting.

Sincerely yours,

Ron Chandler
CITY MANAGER

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1200 | F: 541-994-7232
E: rchandler@lincolncity.org | W: LincolnCity.org

From: [redacted]
Sent: Sunday, July 12, 2020 3:16 PM
To: Public Comment <publiccomment@lincolncity.org>
Cc: Ronald Chandler <rchandler@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>
Subject: Monday July 13 City Council session

Dear Mayor and City Council members,

Unlawful activities in north Lincoln City surrounding the July 4th holiday were a disaster of illegal fireworks. For several nights preceding the 4th and for a week after, our neighborhood withstood hours of exploding "bombs" and illegal fireworks which shook houses, terrified pets, woke sleeping babies, and filled the air with sulfurous smoke, often until 2 a.m. This area resembled a war zone, not a restful, beautiful beach community.

This lawless activity came after a 2 year city-directed educational campaign to let the out of town tourist trade know that illegal fireworks will not be tolerated in Lincoln City, and violators will be cited and fined. This was to discourage out of town visitors who purchase illegal fireworks in other states, then rent VRD's in Lincoln City in order to entertain themselves by setting off these dangerous and exploding fireworks well past midnight.

Did our educational strategy work? Judging by the antics this year NO it did not! The problem has only increased, and the culture of coming to Lincoln City to set off these dangerous explosives only continues because the offenders know they won't get caught or be cited in our city. Our enforcement procedures are minimal and untimely. These offenders come here from other states and communities to behave in ways that would not be tolerated in their own communities, and they expect us to tolerate their illegal acts, arrogant attitudes, and rude behavior.

A major change in our city culture can only come about if residents demand that our Mayor, City Council, City Manager and Chief of Police find and deliver timely, effective enforcement techniques to these law violators. We need our city leadership to have the will and courage to stand up to these bullies, protect our beautiful coast city from the disrespect of those who only come here to violate the rights of our residents and law abiding visitors, and abuse our environment by entertaining themselves with exploding illegal devices.

Respectfully,

Cindy Thompson
Elaine Walsh
Lincoln City, OR

Ronald Chandler

From: Ronald Chandler
Sent: Monday, July 13, 2020 8:30 AM
To: Janet Knipe; Dick Anderson; Diana Hinton; Mitch Parsons; Diane Kusz; Judy Casper; Rick Mark; Riley Hoagland; Jerry Palmer; Randy Weaver
Cc: Public Comment
Subject: RE: Monday, July 13 City Council Fireworks Discussion

Dear Janet:

Thank you for your email. I will make sure this included in the record during tonight's meeting.

Sincerely yours,

Ron Chandler
CITY MANAGER

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1200 | F: 541-994-7232
E: rchandler@lincolncity.org | W: LincolnCity.org

From: Janet Knipe [redacted]
Sent: Sunday, July 12, 2020 7:50 PM
To: Dick Anderson <anderson@lincolncity.org>; Diana Hinton <dhinton@lincolncity.org>; Mitch Parsons <mparsons@lincolncity.org>; Diane Kusz <dkusz@lincolncity.org>; Judy Casper <jcasper@lincolncity.org>; Rick Mark <rmark@lincolncity.org>; Riley Hoagland <rhoagland@lincolncity.org>; Ronald Chandler <rchandler@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Randy Weaver <rweaver@lincolncity.org>
Subject: Monday, July 13 City Council Fireworks Discussion

July 12, 2020

Dear Mayor Anderson, Members of the City Council, City Manager Chandler, Police Chief Palmer and Sgt. Weaver:

On July 11, the Roads End Improvement Association (REIA) held our July membership meeting which was attended by 29 people. After the business portion of the meeting, we had an open forum about our members' experiences over the last week regarding fireworks in Roads End. We felt that as a neighborhood association we needed to give our members an opportunity to have their voices heard and to share their feedback with Lincoln City officials.

Our community continues to be very frustrated by what we unanimously thought was an out of control situation with fireworks on the beaches and the neighborhood. We appreciate the deployment of additional officers and ATVs, but they were again overmatched, especially when most were called away to deal with the horrific incident at the Inn at

Spanish Head. But even without that, this year's approach was not working. Quoted below is a sampling of the comments made on the fireworks disaster:

Overarching comments:

- "It was a war zone all week including and through 2:00 am this morning."
- "It was the worst I've experienced in 15 years."
- "It was a war zone. I can see some fireworks until 10 pm, but after that, it's unacceptable."
- "I've called the police every night for the last 6 nights and know the police are overwhelmed with calls. There is now a lawless culture with groups of people coming here thinking they can do anything they want and nothing will happen to them."
- 'The change between this year and two years ago was like night and day and this is just unacceptable."
- "The noise was overwhelming."
- "Can supply chain for fireworks be disrupted? Those who are buying are not part of our community."
- "There are fire and safety issues – there were commercial grade fireworks being set off of a deck on 70th."

Public Education Campaign:

- "We participated in the fireworks committee convened by City Manager Ron Chandler and it is clear now that the education campaign has not worked. It is not an education issue – these people come here with the intention to shoot off fireworks."
- "REIA put out 6 additional signs about illegal fireworks produced by the city and they did not work. In fact, one was stolen from the corner of Port Lane and Logan Road."
- "I saw people walking right by these signs carrying their fireworks to the beach."
- "Even if we were doing more education, the people ignored it."

Police Presence:

- "They police cannot manage this situation."
- "The police seemed frantic. They need to rethink their approach- they must step up with a new direction."
- "We need to look at ideas of enforcement – it is scary for people if police departments cannot enforce the laws."
- "Enforcement has been lax."
- "How many citations were issued? How many pounds of fireworks were confiscated?"
- "What would encourage better enforcement?"

VRDs:

- "Do all of the VRDs have an understanding of the noise ordinances in the city? The city has the right to renew or deny all of the VRD licenses; we should petition the city to not renew or fine them."
- "There is such a rudeness and arrogance with the renters we have come in contact with this summer. They seem unconcerned and like they don't know that people live here. Reaching out to the VRD community is essential."
- "Some VRDers are fine, others are "bad actors" have no respect for the neighborhood."
- "The onus of responsibility is on VRD ownership and management and they have not been receptive in the past. We need to identify which – and where the VRDs are and there need to be consequences for them. They need to know they are not seen in a positive light and that they will/can attract a different kind of renter."

Possible Solutions

- "There should be an extra notice in the VRD materials explaining that fireworks are illegal."
- "Require VRD owners to post in their dwelling and on their webpages for Roads End houses that fireworks are not allowed and the illegal fireworks will be confiscated or fines issued."

- "Send all of the VRD owners a notice that the problems with fireworks have gotten to such a bad point; give them a warning; if problems persist the following year, they should be told they will not be able to rent."
- "Work with the Governor and Oregon State Parks and close the beach from 7 pm – 7 am on July 4-5th."
- "Close all of the parking lots and beach access points like they were earlier during sheltering in place".
- "Control/stop sales of all fireworks (legal/illegal)."
- "The police could issue a pre-printed ticket."
- "Change the court system so violators can just be given a ticket, so the police don't need to show up in court."
- "We need to reach out to second home owners about their guests."
- "We need to have someone at each access point and large signs in VRDs telling them about fines for fireworks."
- "Bouncers can check IDs for entrance into bars to prohibit illegal drinkers, hence there must be some authority that allows for authorized personnel to check people for illegal items at entry to events – who has the authority to grant permission for such? If permission can be obtained, for a year or two hire security guards to check people entering the beach. Have signage leading to each entry that bags will be checked and illegal materials confiscated."

Our members feel strongly that we need to change the culture that now exists in Lincoln City and specifically Roads End with respect to fireworks. Individual police officers, regardless of how determined, cannot fight the overwhelming number of violators. To change the culture, you must have enforcement. With proper enforcement, in a year or two, the message should get out that Roads End is not a place to set off illegal fireworks. This situation is only getting worse and we implore city officials to use this citizen input to craft a different strategy going forward and we would be happy to help. Thank you for your consideration.

Janet Knipe, President

Roads End Improvement Association

--
Janet Knipe

12 July 2020

RE: Illegal Fireworks Roads End July 2020

I am addressing each of you in hopes at least one of you will read this message.

Clearly this year was the worst ever for illegal fireworks at 69th and Logan Road, from July 2 to July 11th. We expected July 4th to be loud with celebrations, but certainly not 2 nights before and 7 nights after. Based on the number of out-of-state license plates on Logan Road and the streets off that corridor, one could hazard a guess that non-Oregonians contributed significantly to this problem.

Could policing the beach accesses detect and confiscate any fireworks before they actually reach the beach.

Judith and William Flynn
Homeowners

Ronald Chandler

From: Ronald Chandler
Sent: Monday, July 13, 2020 9:12 AM
To: Annette Guido; Public Comment; Dick Anderson; Diana Hinton; Riley Hoagland; Diane Kusz; Judy Casper; Rick Mark; Mitch Parsons
Cc: Public Comment
Subject: RE: fireworks concerns

Dear Mrs. Guido:

Thank you for your email. The City Council will discuss the July 4th events and the fireworks. You can access tonight's meeting through the City's web page at www.lincolncity.org or on channel 4 on Spectrum. I'll make sure your comments are added to the record for tonight's meeting.

Sincerely yours,
Ron Chandler

-----Original Message-----
From: Annette Guido [redacted]
Sent: Sunday, July 12, 2020 10:27 PM
To: Public Comment <publiccomment@lincolncity.org>; Dick Anderson <anderson@lincolncity.org>; Ronald Chandler <rchandler@lincolncity.org>; Diana Hinton <dhinton@lincolncity.org>; Riley Hoagland <rhoagland@lincolncity.org>; Diane Kusz <dkusz@lincolncity.org>; Judy Casper <jcasper@lincolncity.org>; Rick Mark <rmark@lincolncity.org>; Mitch Parsons <mparsons@lincolncity.org>
Subject: fireworks concerns

Dear Mayor Anderson, City Councilors and City Manager Chandler,

I am writing to express my concerns re: the excess of illegal fireworks deployed in my neighborhood (Roads End) on and around the July 4th holiday.

My greatest concern regards safety:
-People certainly can choose to take risk into their own hands (literally and figuratively) when they ignite high power fireworks but it is ridiculous for them to ignore the potential risk of personal injury to others including children. The internet abounds with videos of fireworks gone awry and many stories document injuries to bystanders. As far as I know, no serious injuries occurred in Lincoln City but only emergency medical providers could answer that question. Have you heard from any in support of fireworks?

-Fireworks fired over homes and wooded or grassy areas are a recipe for disaster. We haven't had a conflagration yet but it is only a matter of time.

-Wildlife is put at risk due to debris falling into or washing into the ocean. Wildlife are also disrupted by the loud bangs occurring randomly and over numerous nights lasting until 2 am.

My second concern is the nuisance factor:
-it does not seem reasonable to allow fireworks to be fired over residential neighborhoods—exploding late into the night and extending for several days on either side of the July 4th holiday.

-there was a lot of plastic and other debris on the beach and on the roadways in the neighborhood—I joined many others in the SOLV beach cleanup but didn't see many (?any) of those whom I had observed setting the fireworks off the night before.

I personally observed that our local officers were hard at work trying to manage a tough situation—I saw them in their patrol car on the streets of Roads End and in the ATV on the beach. The patent disregard for local and state laws banning fireworks (despite multiple large signs) by those shooting them off demonstrates that what we are doing to control use of illegal fireworks is clearly not working.

I look forward to hearing some creative thinking and effective actions from all of you and from our police chief and officers addressing this risky behavior and stand ready to support and assist in any way possible.

Thanks,
Annette Guido, MD
[redacted]

Ronald Chandler

From: Jill Townsend [redacted]
Sent: Monday, July 13, 2020 2:38 PM
To: Mitch Parsons; Diana Hinton; Rick Mark; Ronald Chandler; Dick Anderson; Riley Hoagland; Judy Casper; Diane Kusz
Subject: A proposed solution to the problem of illegal fireworks in Lincoln City

Fireworks are a problem in Lincoln City, not only on the 4th of July, but many nights throughout the summer and even in the winter. It sounds like bombs are going off all around us and the explosions terrify dogs and birds and animals as well as people. This year was the worst it has ever been - practically non stop sound of explosions for hours several nights in a row.

Today, July 12th, the beach was covered with trash - candy wrappers, drink containers, and spent fireworks. We picked up 3 bags of trash near just one beach access.

I have a suggestion to prevent fireworks in our town:

Assess a fee to all short term rentals - VRDs and hotels and motels and camp grounds - a fee sufficient to hire enough enforcement and bomb sniffing dogs to prevent illegal fireworks. Then have the enforcement and bomb sniffing dogs walk through neighborhoods and beaches to find and take the fireworks so that they don't go off.

Once the specially hired fireworks enforcers have identified the offenders the Lincoln City Police could choose to issue citations.

Sincerely,

Jill Townsend

Council Communication

Public Comments

Meeting Date:	July 27, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

We received the following email for public comment at the time of this report.

Attachments:
public comment_Redacted (PDF)

Ronald Chandler

From: Riley Hoagland
Sent: Thursday, July 23, 2020 10:53 AM
To: Ronald Chandler
Cc: Tony LaSoya
Subject: Fw: Covid

I spoke with them and they would like this to be part of the record. They wish to be anonymous in all ways due to their job being at risk.

Riley Hoagland
City Councilor Ward 2

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.418.1787 |
E: rhoagland@lincolncity.org | **W:** LincolnCity.org

From: [redacted]
Sent: Wednesday, July 22, 2020 3:59 PM
To: Riley Hoagland
Subject: Covid

Riley
I am writing to you to let you know how terrified I am with the way our council has handled this pandemic I do appreciate you standing up and with those of us that actually work in and with the public here in Lincoln City but it is obvious the rest of the council only seems to care about pleasing the business owners and not the people who actually wear a mask 12-14 hours a day while serving food to all the tourist you so welcomed even though it puts us in danger I am in the hospitality industry and I see cases starting here in the hospitality industry you understand that cook who is now infected works with someone who works housekeeping etc these individuals do not have testing available because no health insurance or even a doctor,so even if you were exposed you still have to work because a health authority did not tell you to quarantine. I believe it was extremely selfish to lift the 24 hour hold t hat the county mandated it is great for the business owners until a housekeeper were sick and infects the whole crew the 24 hour would somewhat control this madness it will be solely in the Lincoln City Council hands when we have our outbreak because lifting the hold was negligent at best. Because I fear I will lose my job for seeking my mind please leave my email anonymous.

Sent from my LG Mobile

Council Communication

Annual Report - Lincoln City Cultural Center

Meeting Date:	July 27, 2020	Primary Staff Contact:	Alison Robertson
Department:	Urban Renewal	E-Mail:	alisonr@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 Min

Objective:
The objective of this meeting is to hear the 2020 annual report from the Lincoln City Cultural Center, as part of the lease requirements.

No Action Needed by Council:
For information only.

Attachments:
LCCC Council Update Presentation July 2020 SLIDES ONLY (PDF)

Lincoln City Cultural Center

Organization & Partnership Update

Prepared for the Lincoln City City Council

July 27, 2020

2019 Programs



344 EVENTS

Performing Arts — 128
Community — 87
Rentals — 63
Visual Arts — 30
One-time Classes — 21

2019 Attendance

Patrons: 43,741

Performing Arts — 8,624
Community — 5,925
Rentals — 16,148
Art Gallery — 12,497
One-time Classes — 547



Building Upgrades



New Wood Windows — West side complete in 2019, east side in 2020 (funded by City)

Auditorium/stage improvements — Increased lighting & sound capabilities (LCCC)

HVAC— New automatic damper system enhances air flow and manages auditorium temperatures (LCCC)

2020 Revenue

OPERATING REVENUE Jan-Dec 2019

Program Revenue (tickets, fees)	$189,791
Rental Income	$44,434
Information Center Contract	$32,000
Membership Donations	$20,367
Fundraising Events (NET)	$23,654
Other Income & Interest	$22,189
TOTAL	**$332,281**



2019 Donations



CONTRIBUTED REVENUE Jan-Dec 2019

GRANTS	$373,964
CONTRIBUTIONS	$213,013
PLEDGES	$18,236
CONTRIBUTIONS IN-KIND	$71,544
Total Contributed Revenue	**$676,757**

2019 Expenses



EXPENSES

Program Expenses	$325,568
Management & General	$126,927
Fundraising	$98,475
Total Expenses	**$550,970**

Cultural Plaza Campaign



Donations goal of $250K met within one year

Balance Sheet



FINANCIAL POSITION As of Dec. 31, 2019

Cash & Equivalents	$292,193
Short-term Investments	$284,903
Accounts Receivable	$4,534
Pledges	$18,236
Deposits & Prepaid Expenses	$570
Inventory	$2,166
Property & Equipment (Less Depreciation)	$877,633
Total Assets	**$1,482,446**


Creative Quarantine

COVID19 Response



March 1 – Created new cleaning and sanitation measures

March 12 – Cancelled all LCCC programs

March 17-May 31 - Facility closed to the public

June 1 – Facility opened with social distancing and cleaning measures in place. Masks required.

July 6 – Reduced hours to 10-4, Thurs-Sun

COVID CONSEQUENCES: INCOME

March 12-Present

- Cancelled or postponed 100 performances, receptions, one-time events and rentals
- Closed Lincoln City Visitor Information Center (loss of annual service contract with Explore Lincoln City)
- Closed the LCCC Members Gift Shop (dependent upon the Info Center for staff)
- Temporary closures of the New Moon Yoga Studio and Margaret's Meeting Room
- Suspension of all indoor classes, receptions and rentals that cannot be accomplished with masks and social distancing.

COVID CONSEQUENCES: STAFF

March 12-Present

- 4 employees laid off 6 weeks, others reduced to 50-75%. All reinstated in May with PPP Funds
- Loss of Information Center caused permanent elimination of one staff member.
- ED is back to full time, others have reduced hours based on the work available and program needs.
- Volunteer program is approximately 10% of what it was pre-COVID

COVID19 Response

DURING THE SHUTDOWN

Creative Quarantine Kids – Assembled and distributed 2,600 art kits, drive-through style. Online videos and free project sheets in Oregon Coast TODAY

Creative Quarantine Studio – Facebook Live performances and studio tours every day, March 26-May 31



COVID19 Response



SINCE RE-OPENING

Chessman Gallery – Modified operations

Arts Incubator Project – New galleries and workshops in under-utilized spaces

Quarantunes – Mid-week concerts with limited in-person audience & live streaming

Creative Quarantine Kids – Returns with art packet pickup location inside the building

Outdoor Activities – Sunday Market, Tuesday Night Thing and Drive-in Movies with the Bijou


Strategy

Mission Outlook

- Socially distant events (outdoor, drive-in, virtual)
- Ceramics, Textiles Programs to expand
- Expansion of systems for appointments and drop-in experiences
- Support/office space for other arts and culture nonprofits
- Visual art programs for students, parents and teachers

Cultural Plaza

- Re-applying for state CREF funds from 2021 legislature
- Artistic element design process through summer
- Existing donations parked in short-term investments
- Grantwriting continues




Thank You!

Council Communication

Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area

Meeting Date:	July 27, 2020	Primary Staff Contact:	Alison Robertson
Department:	Urban Renewal	E-Mail:	alisonr@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	45 Minutes

PURPOSE

The Lincoln City City Council (City Council) is being asked to hold a public hearing to gain input regarding the City Council's consideration and potential adoption of the proposed Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) and vote on the ordinance to adopt the Plan.

BACKGROUND

- July 24, 2017, the City Council and Urban Renewal Agency held a joint work session to broadly hear from staff and discuss Economic Development topics. At that meeting the Council requested to have staff bring back more in-depth information on the process and timeline to create a new Urban Renewal District, or Area as it is sometimes referred to.
- September 11, 2017, after further discussion Council requested to hear about possible new Urban Renewal Districts (Areas).
- March 26, 2018, possible new Areas were presented to Council and a mobile meeting or tour of the possible new Areas was requested.
- August 14, 2018, the Council held a Special Meeting for a mobile tour and directed staff to proceed with two feasibility studies for possible new Areas.
- December 26, 2018, staff received official approval to remove tax exempt properties from the existing Area to free up acreage in the case a new Area is formed.
- March 25, 2019, Council reviewed two Feasibility Studies and requested staff to return with additional information.
- April 25, 2019, Council approved the creation of a plan for review of the Roads End/Villages Urban Renewal Area Plan A and B and directed staff to begin preparation and planning for Urban Growth swap and annexation for the new Urban Renewal Area in Nelscott B.

- February 24, 2020, Council received a summary of input collected through Advisory Committee meetings, public forums, and an online survey.
- March 23, 2020, Council approved a 15% underlevy on the entire tax increment area and directed staff to move forward with creating the draft Plan and Report.
- June 15, 2020, Urban Renewal Agency reviewed the draft Plan and Report and directed staff to move forward with the formal adoption process.
- July 6, 2020, Briefing with Lincoln County Board of Commissioners and review of the draft Plan and Report.
- July 7, 2020, Planning Commission reviewed the draft Plan and Report for compliance with Comprehensive Plan and recommended adoption of the Plan.

PUBLIC NOTICE

Notice to utility customers was provided in July, 2020.

PROPOSAL

The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area), consists of approximately 500 acres of land including rights of way.
The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped. These areas can have old deteriorated buildings, public spaces which need improvements, a lack of investment, streets and utilities in poor condition or they can lack streets and utilities altogether. The Area has many properties that are undeveloped or under-developed and lacks sufficient infrastructure within the Area. The Plan contains goals, objectives, and projects for the development of the Area. The goals of the Plan are listed in Section IV of the attached Plan. The specific projects proposed in this Plan are outlined in Section VI of the Plan and include Transportation, Economic Development, Parks, Trails and Open Space, Public Works/Utilities, Community Connections/Appearance, Emergency Preparedness, Resiliency and Mitigation, and Plan Administration. The overall purpose of the Plan is to use tax increment financing to overcome obstacles to the proper development of the Area. Urban renewal is unique in that it brings its own financing source: tax increment financing. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established – are used to repay borrowed funds. The funds borrowed are used to pay for urban renewal projects. The Plan is projected to take 27 years of tax increment revenue collection and includes a voluntary 15% annual revenue sharing.

PROCESS

The process for approval included the following steps, in accordance with ORS 457.

1. Preparation of a Plan including opportunity for citizen involvement.
2. Agency review of the proposed Plan and accompanying Report on June 15, 2020.
3. Review and recommendation by the Lincoln City Planning Commission on July 7, 2020.
4. Presentation of the Plan to the Lincoln County Commission for a briefing onJuly 6, 2020.
5. Notice to citizens of consideration of an ordinance via utility bills in July.
6. Forwarding a copy of the proposed Plan and the Report to the governing body of each taxing district. The formal taxing districts letters were sent out on May 7, 2020.
7. Hearing by Lincoln City City Council and adoption of the proposed Plan and accompanying Report by a non-emergency ordinance. The hearing is scheduled for July 27, 2020. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Lincoln City voters if a sufficient number of signatures are obtained on a referral petition.

ORDINANCE PUBLICATION

The ordinance calls for publication of a notice that the council has adopted the ordinance, for recording the Plan with the Lincoln County Clerk and for transmitting the Plan to the Lincoln County Assessor.

The Ordinance and Plan (with associated Report) is a separate item on this Agenda.

STAFF RECOMMENDATION

Staff recommends that the City Council

- Take public testimony on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan
- Review and discuss the proposed Plan
- Vote on the adoption of the Plan

Attachments:
2020_0615 _URA Testimony_NLFRD (PDF)
NLFRD testimony response from CIty (PDF)
Additional_Public_Comments (PDF)
comments submitted through the public comment email_Redacted (PDF)

Additional Public Comments received 7.27.20 (PDF)

North Lincoln Fire & Rescue District #1
PO Box 200, Lincoln City, OR 97367
541-996-2233
541-996-5344 (Fax)
Website: www.nlfr.org

City Council
City of Lincoln City
801 SW Hwy 101
Lincoln City, OR 97367

RECEIVED
JUN 15 2020
BY:_____

June 10, 2020

Re: Response to Consult and Confer Letter, Roads End/Villages at Cascade Head Urban Renewal Area.

City Counselors,

North Lincoln Fire & Rescue appreciates the ongoing dialogue and openness of the URD Advisory Committee and the City while trying to formulate a successful Urban Renewal District. There are lots of interests and agendas, but the goal has always been something that brings improvement and development to the area.

NLFR is grateful to have been listened to and recognized as an important stakeholder in the process. As a public safety provider, not only to the proposed District but to the entire City, the financial impact of the proposed URD will have an effect on our ability to provide service. To mitigate that impact the Under-Levy funding proposal is a positive step, and we applaud that part of the plan. However, the impact will be not only financial, but the development will bring an increased workload to our District.

Our overall response is that NLFR is still not in favor of the URD as proposed. NLFR had met with the City and proposed two ideas. First, that there be a shorter time of indebtedness thereby returning value back to all the taxing entities. That would make the projects more focused and garner a higher level of support. Second, that there be a reduction of publicly owned property in the URD. That property currently pays no tax to any District, or the City, and would not through the life of the URD. That property should be at a minimum.

NLFR also believes that the URD be tied to a Performance Plan. If property values do not increase as anticipated or the projects are not completed as scheduled, the URD should sunset earlier those properties of the plan that are not meeting expectations.

Before the City Council approves this plan, we encourage that a detailed financial analysis be performed. We must consider the current and new economic issues that are impacting everyone. Developers might shy away from projects and public entities are going to struggle with budgets for many years to come.

It might be prudent to slow down, take a pause, and see next year's financial impacts on our regular budgets before impacting them.

Thank You for considering our response

North Lincoln Fire & Rescue Board of Directors

Alan Lee, President

NLFR specific comments are shown in bold:

Our overall response is that NLFR is still not in favor of the URD as proposed. NLFR had met with the City and proposed two ideas. First, that there be a shorter time of indebtedness thereby returning value back to all the taxing entities. That would make the projects more focused and garner a higher level of support. Second, that there be a reduction of publicly owned property in the URD. That property currently pays no tax to any District, or the City, and would not through the life of the URD. That property should be at a minimum.

Staff response Shorter Time Period: Many new urban renewal/tax increment districts are longer than the proposed 27 years of this district. The initial direction from the Lincoln City City Council was for a 25 year plan, making the plan on the shorter end of typical new urban renewal plans. As the city began evaluating the impacts to taxing districts and the City Council chose to recommend a 15% annual under-levy. The under-levy is important as it provides additional revenues to all taxing districts during the life of the plan. As part of the consideration of the under-levy, the City Council also directed the consultants to analyze the plan duration given the fiscal impacts of the under-levy. It was recommended that the plan continue an additional 2 years to generate sufficient funds to offset the annual under-levy. It takes time for any new urban renewal area to generate sufficient revenues to undertake projects. Limiting an urban renewal area to time frames under 25 years significantly impacts the amount of revenue generating capacity.

Staff response Reduction of Publicly Owned Land: There are two factors to consider here:

> Taxing districts are not receiving taxes on publicly owned land at this point, so inclusion of this land is not a present burden to the taxing districts.
>
> The city owns significant parcels slated for new development. As these parcels develop, they provide the income source to fuel the urban renewal area. In consideration of the fact that the taxing districts would then have to service privately owned developed property instead of publicly owned undeveloped property, the City Council directed the implementation of the under-levy to provide revenues to taxing districts during the life of the Plan.

NLFR also believes that the URD be tied to a Performance Plan. If property values do not increase as anticipated or the projects are not completed as scheduled, the URD should sunset earlier those properties of the plan that are not meeting expectations.

Staff response to Performance Plan:

> Property Values do not increase: There are many factors that influence the success of an urban renewal area that are out of the control of the city. The Great Recession in the early 2000s had a significant impact on urban renewal

areas across the state. While development was slowed for many of the urban renewal areas, that also meant that the amount of tax increment revenues “foregone” by the taxing districts was below the original estimates. Forecasting for a new urban renewal/tax increment area is complex as the forecasts cover a long time frame and no consultant can predict economic downturns or recovery. Therefore, the consultants used both information on projected growth in the area and average growth assumptions in their forecasts. This is typical of all urban renewal/tax increment areas. This financial modeling works as the city is able to make their project decisions on an annual basis as the information on actual growth is received.

Projects not completed as scheduled: The city anticipates completing visioning as the initial project in the Plan and that visioning will set the priorities of the spending. The NLFR is encouraged to participate in that future visioning.

In addition, the city is required to complete an annual report that indicates the status of the urban renewal area. The city is required to send that annual report to all taxing districts. The annual report will enable the taxing districts to track the success of the Plan. In addition, the annual budgeting process is an open-public process and the NLFR is encouraged to track and provide their input on the projects through that process.

Before the City Council approves this plan, we encourage that a detailed financial analysis be performed. We must consider the current and new economic issues that are impacting everyone. Developers might shy away from projects and public entities are going to struggle with budgets for many years to come.

Staff response Financial Analysis: It is true that the fiscal impact of the current COVID 19 event is unknown. However, the city has the capability to further under-levy the urban renewal area if that is warranted in the future.

It might be prudent to slow down, take a pause, and see next year's financial impacts on our regular budgets before impacting them.

Staff response Slow Down: Significant time and energy has been spent on this project over the last two years. The fact that the city is able to put a pause on or limit tax increment revenues through additional under-levy amounts in the future, if warranted, allows the city the flexibility to proceed now and evaluate the future financial considerations as they move ahead in implementation of the Plan.

Attachment for July 27, 2020 City Council meeting

Additional comments received prior to Monday, July 20 at 10:00 regarding the proposed Roads End/Villages at Cascade Head Urban Renewal Area are included. Any additional comments received between July 20 and July 27 will be read during the City Council meeting.

Additional comments have been received from:

Jim Davis
Roger Sprague
Dave Price
Keith Altomare
Susan Gomberg

Jodi Mescher

From: [redacted]
Sent: Friday, June 19, 2020 3:15 PM
To: Jodi Mescher
Subject: Urban Renewal

To Whom It May Concern,

I fully support the Urban Renewal Program and would like to see it continue so as to enhance more of Lincoln City.

Thank You,

Jim Davis
President Central Coast Builders, Inc.
and Coast Drafting Design, Inc.
541-996-5566

Jodi Mescher

From: Roger Sprague [redacted]
Sent: Friday, June 19, 2020 4:06 PM
To: Jodi Mescher
Subject: Urban Renewal

As one of the originators of the current urban renewal program I am pleased with the results we now enjoy. Now that it is reaching its climax I heartily support our city's opportunity to enter into a new urban renewal program. There are many more projects that can make our city safer and more beautiful. Please let me know when the council will take action to approve the renewal. Also, when the discussions begin on what projects should be included I would like to be part of the public input. Thank you.
Roger Sprague

Jodi Mescher

From: Price, Dave [redacted]
Sent: Friday, June 19, 2020 4:58 PM
To: Jodi Mescher
Subject: Urban Renewal

Hello,

I'm proud to say I served as part of the "Taft Visioning Team", many years ago, when Urban Renewal first started its Taft redevelopment project. At the time, I was in my early 30s and the prospect of a 20+ year timeline for a public infrastructure project seemed too unweildy and distant to be possible. As I've grown (a lot) older, I can more fully appreciate the power of incremental financing grown over time, and invested to build the community sought by today's residents, to accommodate tomorrow's needs.

The most remarkable thing about the Urban Renewal effort in Lincoln City has been its consistency. The leadership - from Kurt Olsen to his successor, Alison Nelson Robertson - has been stable in a way seldom seen in civic leadership. Even better than its consistency has been its excellence. Smart. Capable. Innovative. Unafraid of risk. These qualities of Alison's and, before her, Kurt, will serve Lincoln City for decades to come.

After each sunset comes a sunrise. I hope Lincoln City will waste no time in establishing a bold new Urban Renewal district, one that will generate even bolder visions and ideas.

The past few months have reminded us of the importance of place. Of the importance of home. Let's make the most of it.

Thanks for your consideration.

Dave Price
[redacted]
Lincoln City, Oregon

Dave Price
https://bit.ly/LincolnRecovery
Director, Marketing and Community Engagement
Director, Small Business Development Center
541-994-4166

Jodi Mescher

From: Keith Altomare [redacted]
Sent: Friday, June 19, 2020 7:35 PM
To: Jodi Mescher
Subject: Urban Renewal

I hope your weekend went well! As a business owner in the Oceanlake Area of our town, I am looking forward for the Part 2 of Urban Renewal. I have watched the various parts of Urban Renewal Part 1 and can say that it invigorated the town. As you can expect, I was especially impressed with all the great work down in the area where I live and work, Oceanlake.

Finally I wanted to say the transition between Urban Renewal directors a few years back was seamless when Alison Robertson took the helm. Her energy to implement plans and make sure we all get the most out of them is second to none. I regularly hear from her with Urban Renewal ideas. Simply put, we are a better theatre for our patrons with her help.

If I can answer any questions or help in any way, please give me a call.

Best

k
Keith Altomare
Bijou Theatre
bijoutheatre541@gmail.com
www.cinemalovers.com
541.992.5399

Sent via Superhuman

Jodi Mescher

From: Susan Gomberg [redacted]
Sent: Friday, June 26, 2020 1:20 PM
To: Jodi Mescher
Subject: Urban Renewal Progress

While we don't officially live in Lincoln City, my warehouse is there and, of course, it's our community base! The Urban Renewal Projects the last several years have really made a difference in the beauty and liveability of the city! But we can always do more!

Alison Robertson has served us well for many years along with continuity when city staff changes throughout the years.

I look forward to the next phase difficult as that may be with Covid-19 adding to the complications of "getting things done".

Have a great day!

Susan Gomberg
Mobile: [redacted]

Ronald Chandler

From: Gary Wood [redacted]
Sent: Tuesday, July 21, 2020 9:54 AM
To: Public Comment
Subject: Roads End/Villages at Cascade Head Urban Renewal Plan

Can the tax information provided in the Plan documents please be stated in the plan and, if possible at the meeting July 27, in terms of what it means to the average valued home property taxes. Please make clear the duration of change and cost estimate in yearly property taxes for an average home in the affected area. Please forgive me if this information is available in the Plan documents and I missed it.

Thank you very much,

Gary Wood
[redacted]

Ronald Chandler

From: Rebecca McGee [redacted]
Sent: Wednesday, July 22, 2020 4:47 PM
To: Public Comment
Subject: Villages at Cascade Head urban renewal

To the Lincoln City City Council:

We would like to comment on the urban renewal project for the Cascade head area. Regarding the question of best land use, the definition of 'blight' for the purpose of this urban renewal project is stretched quite broadly to encompass "best use" of land - and we don't think the area to be developed meets the criteria of either blight or true underdevelopment.

There are plenty of areas in the existing margins of Lincoln City where there is clear evidence of blight, and lack of development that affects residents; gravel roads within residential areas, segments of unconnected sidewalks or no sidewalks, inconsistent street lighting, poor drainage, etc.

We feel concentrating such a huge dollar figure without any real accountability to the residents that are in the immediate area of this urban renewal project, is a real disservice. The question of whether a park, regional or neighborhood size actually gets constructed is not guaranteed. Housing development may or may not be reasonable for the current ingress and egress and traffic patterns, and may result in yet more second homes for wealthy part timers, not homes for working Lincoln City residents.

We already have serious concerns about the change to our neighborhood when the new school is constructed, as well as how traffic will now be impacted by all the new school busses presence at the intersection of Devils' Lake Road and Hwy 101, due to the relocation of the school bus maintenance yard.

Access to the area via NE Port Ave. is not designed for any volume of cars, and the visibility at the top turn from Logan Road is very poor. Anyone making a left turn from Roads' End area onto NE Port has an extremely short line of sight due to the curve in the road. A convex mirror might help that particular intersection, for the opposite traffic, cars from NE Port Ave.turning left onto Logan heading towards Safeway are also subjected to poor visibility.

The safety of people who live in, near, or will travel through this Cascade Village area must be of utmost importance. We cannot afford short sightedness that will cause permanent difficulties to our already burdened traffic patterns, and create more logjams or put pedestrians at greater risk.

The urban plan remains vague in it's prioritizing of the various projects it is being promoted to achieve, and the price tag is considerable and front loaded for administrative costs and could easily fail to fully fund any coherent improvement.

Sincerely,

Rebecca & Ron McGee
[redacted]

Ronald Chandler

From: Fran Lonnon [redacted]
Sent: Thursday, July 23, 2020 9:41 AM
To: Public Comment
Subject: Urban Renewal

Good Morning. I just received a document in the mail about the meeting on Monday for the urban renewal plan. This is the worst possible time to think of urban renewal when the community has been out of work for so long. This city council has already raised our garbage rates due to a green recycling bin that we have to pay for even if we don't need it and now you want to raise our property tax to make the city look nice? People can't put food on the table and you want to raise the taxes?

Thank goodness this is a referendum issue. I guarantee people will not vote for this ridiculous issue and then maybe you will understand you have to stop raising prices for city services and stop raising our taxes.

Start looking at ways to save money, like the rest of the community has had to do in our daily lives.

Fran Lonnon.

Ronald Chandler

From: Michelle Reeves [redacted]
Sent: Saturday, July 25, 2020 11:19 PM
To: Public Comment
Subject: Roads End Renewal Project

To the City Councilors,
Although the improvement of our city through projects such as this is certainly beneficial, I believe the residents of Lincoln City need time for the events of this year to calm down, before introducing an 86 million dollar project by way of new taxes. Please consider allowing our local economy more time to recover.
Thank you,
~Michelle Reeves~
[redacted]

Ronald Chandler

From: Michelle Reeves [redacted]
Sent: Saturday, July 25, 2020 11:35 PM
To: Public Comment
Subject: Roads End Renewal Project

To the City Councilors,

My previous note included a mention of “new taxes”, which I mistakenly wrote. I do understand that this project uses current property taxes allocated for urban renewal. However, the timing of a project that “upgrades” parts of a city, while existing businesses struggle to survive in the middle of an emergency, seems an inconsiderate use of tax money. Is there a way to consider making this property tax money available for loans to local businesses who otherwise cannot receive help to keep their doors open?

Thank you again,

~Michelle Reeves~

[redacted]

Council Communication

Ordinance 2020-20 Adoption of New Urban Renewal District

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Urban Renewal	Secondary Contacts:	Alison Robertson
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-20 entitled:

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-020 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 Agenda item on this Agenda and the attached Ordinance, Plan and Report.

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 August 10, 2020 [or]

3. Continue First Reading to August 10, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

Council:

1. Motion to approve First Reading of Ordinance 2020-20.

If unanimous: conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-20.

[or]

2. Motion to set Second Reading for August 10, 2020.

Attachments:
Ordinance 2020-20 7-22-20 final (DOCX)
Exhibit_A_RoadsEnd-VillagesArea_UR-TIF_Plan-Final (PDF)
Exhibit_B_RoadsEnd-VillagesArea_UR-TIF_Report-Final (PDF)
ExhibitC_ PlanningCommissionActionMemo_RoadsEnd-VillagesArea_UR-TIF_Plan (PDF)

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, the Lincoln City Urban Renewal Agency ("Agency"), as the duly authorized and acting urban renewal agency of the City of Lincoln City, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan dated July 27, 2020 and attached hereto as Exhibit A (the "Plan"). The Plan authorizes certain urban renewal activities within the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Report dated July 27, 2020 and attached hereto as Exhibit B (the "Report") to accompany the Plan as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Plan and Report to the Lincoln City Planning Commission (the "Commission") for review and recommendation. The Commission considered the Plan and Report on July 7, 2020 and adopted a finding that the Plan conformed with the Lincoln City Comprehensive Plan, said finding attached hereto as Exhibit C (the "Finding"); and

WHEREAS, the Plan and the Report were forwarded on May 7, 2020 to the governing body of each taxing district affected by the Plan, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, on July 6, 2020 the City met with representatives of Lincoln County to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, the City Council has received a written recommendation from the governing body of the North Lincoln Fire District and after having given due consideration to the recommendations, the City Council has determined that no amendments are necessary to the Plan and as such rejects the recommendations as required by ORS 457.089 and for the reasons

identified in the staff report to the City Council and in the City Council deliberations on this ordinance; and

WHEREAS, in July 2020, the City caused notice of the hearing to be held before the Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to property owners within City's incorporated limits through utility bills; and

WHEREAS, on July 27, 2020 the City Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Lincoln City Planning Commission and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, The City Council found that the Plan conforms with all applicable legal requirements; and

WHEREAS, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Plan.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. The Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of 457.095(1) through (7), in that, based on the information provided in the Report, the Lincoln City Planning Commission Recommendation, and the public testimony before the City Council:

1. The process for the adoption of the Plan, has been conducted in accordance with the applicable provisions of Chapter 457 of the Oregon Revised Statutes and all other applicable legal requirements;

2. The area designated in the Plan as the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area ("Area") is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in Section XI of the Report including the existence of inadequate streets and other rights of way, open spaces and utilities and underdevelopment of property within the Area (ORS 457.010(1)(e) and (g);

3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety or welfare of the City because absent the completion of urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according the goals of the City's Comprehensive Plan;

4. The Plan conforms to the Lincoln City Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in Section XIII of the Plan and in the Lincoln City Planning Commission Recommendation (see attached Exhibit C);

5. The Plan conforms to the Lincoln City Economic Development Plan called the Lincoln City Economic Opportunities Analysis and Housing Needs Analysis as more fully described in the Plan;

6. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Plan and therefore the Plan does not include provisions to house displaced persons;

7. Adoption and carrying out the Plan is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Sections of the Report;

8. The City shall assume and complete any activities prescribed it by the Plan; and

9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

SECTION 2. The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan is hereby approved based upon review and consideration by the City Council of the Plan and Report, the Lincoln City Planning Commission Recommendations, each of which is hereby accepted, and the public testimony in the record.

SECTION 3. The City Manager shall forward forthwith to the Agency a copy of this Ordinance.

SECTION 4. The Agency shall thereafter cause a copy of the Plan to be recorded in the Records of Lincoln County, Oregon.

SECTION 5. The City Manager, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan including the provisions of ORS 457.135, in the Lincoln City News Guard no later than four days following adoption of this Ordinance.

SECTION 6. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and in the ordinance exhibits, 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 7. 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 8. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 9. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections -9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 27th day of July 2020 (First Reading) and on the 27th day of July 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of July 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

Ordinance 2020-20 Exhibit A

Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Ordinance 2020-20 Exhibit B

Report on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Ordinance 2020-20 Exhibit C

Memorandum from Planning Director regarding Lincoln City Planning Commission Report and Recommendation on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Roads End/Villages at Cascade Head
Urban Renewal (Tax Increment Finance) Plan

Adopted by the City of Lincoln City

DATE

Ordinance No. ___

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

Date	Res or Ordinance No.	Purpose of Change

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
Diane Kusz, Ward 2
Judy R. Casper, Ward 3
Rick Mark, Ward 3

Planning Commission
Marci Baker
Miles Schlesinger
Lenny Nelson
Joshua Brainerd
Kim Blackerby
Patti Kroen

Urban Renewal Agency
Diana Hinton, Chair
Mitch Parsons, Vice Chair
Dick Anderson
Judy R. Casper
Dennis “Riley” Hoagland
Diane Kusz
Rick Mark

City Manager
Ron Chandler

Economic Development and Urban Renewal Director
Alison Robertson

Economic Development Coordinator
Jodi Mescher

Administrative Coordinator
Pam Wiren

GIS Coordinator
Sandy Gruber

Finance Director
Debbie Bridges

Public Works Director
Lila Bradley

Public Works City Engineer
Sephanie Reid

Parks And Recreation Director
Jeanne Sprague

Planning and Community Develoment Director
Anne Marie Skinner

Urban Renewal Advisory Committee
Dick Anderson – Mayor, City of Lincoln City
Laurel Barton – Community Member
Pamela Barlow-Lind – Tribal Planner, Confederated Tribes of Siletz Indians
Debbie Bridges – Finance Director, City of Lincoln City
Ronald Chandler – City Manager, City of Lincoln City
Chief Rob Dahlman – Fire Chief, North Lincoln Fire & Rescue District #1
Dr. Karen Gray – Superintendent, Lincoln County School District
Diana Hinton – UR Agency Chair, City of Lincoln City
Kaety Jacobson – County Commissioner, Lincoln County Board of Commissioners
Janet Knipe – Community Member
Patti Kroen – Chair, Lincoln City Planning Commission

Tax Increment Plan Consulting Team
Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC

Nick Popenuk
Ali Danko
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I. DEFINITIONS

“Agency” means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

“Annual report” is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

“Area” or “urban renewal area” or “TIF Area” means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

“Blight” is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

“Board of Commissioners” means the Lincoln County Board of Commissioners.

“City” means the City of Lincoln City, Oregon.

“City Council” or “Council” means the Lincoln City City Council.

“Comprehensive Plan” means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

“County” means Lincoln County, Oregon.

“Fiscal year” means the year commencing on July 1 and closing on June 30.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

“Municipality” means any county or any city in the state of Oregon.

“ORS” means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

“Planning Commission” means the Lincoln City Planning Commission.

“Project(s)” or “TIF Project(s)” means any work or undertaking carried out under the TIF Plan.

“Report Accompanying TIF Plan” or “Report” means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance area report” or “urban renewal report” or “report” means the official report that accompanies the TIF plan pursuant to ORS 457.085(3).

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

A. Background

The Lincoln City City Council (City Council) has used urban renewal as an economic development tool since the adoption of the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) in 1988. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Plan on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Plan. As part of planning for the tools to be used to help facilitate development and provide infrastructure to the city, the City Council directed staff to complete tax increment feasibility studies for both the Roads End/Villages at Cascade Head Area and the Nelscott Area. Those studies were completed in 2019 and were presented to the City Council. After review of the findings of the feasibility studies, the City Council directed staff to prepare a tax increment plan for the Roads End/Villages at Cascade Head Area and to begin planning for a potential future tax increment area in Nelscott.

The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area) was developed for the City Council with cooperative input from the community-based Advisory Committee (AC) that was formed for this purpose. The AC consisted of eleven members including representatives from City Council, Agency and Lincoln City Planning Commission (Planning Commission), representatives from major taxing districts, and community members. The AC met formally four times to review and discuss the project boundary, list of projects to be pursued in the Area, project financials, and to review the Draft Plan.

The Plan also included input from community engagement at two public forums, an online survey, and public meetings, and in hearings before the Lincoln City Urban Renewal Agency, Planning Commission, City Council, and a public briefing with the Lincoln County Board of Commissioners. The Plan also included communication with the overlapping taxing districts through a briefing with representatives from impacted taxing districts, individual meetings with taxing districts as requested, and consult and confer letters to update impacted districts on project progress and financial implications to each taxing district.

A significant project to be completed in the Area that involves future community outreach is Community Visioning. Through the Community Visioning process projects will be further defined and prioritized as funds are accrued.

A full list of community outreach events and presentations is shown in Table 1.

The Area, shown in Figure 1, is 500 acres.

Table 1 – Community Outreach and Events

Meeting	Topic	Date
City Staff - Department Head Meeting	Identify initial list of projects to be completed in Area	10/10/2019
Advisory Committee Meeting #1	Boundary discussion	10/29/2019
Roads End Improvement Association	Urban Renewal 101; urban renewal process and project update	11/9/2019
KBCH AM 1400 Radio Show	Urban Renewal overview and marketing for public forum on January 7th	12/18/2019
Email sent out to general contact list	Invitation for Public Forum #1	1/3/2020
Advisory Committee Meeting #2	Review and discuss project list	1/7/2020
Public Forum #1	Urban Renewal overview, and collect input on list of proposed projects	1/7/2020
Online Survey	Collect input on list of proposed projects. Survey link sent to general contact list, Chamber of Commerce membership, Bay Area Merchants Association membership members, and posted on City website	1/8/2020 - 2/10/2020
KBCH AM 1400 Radio Show	Project update and marketing for public forum on February 18th	1/13/2020
Press Release sent out for Public Forum #2	Marketing for Public Forum on February 18th	2/7/2020
Email sent out to general contact list	Marketing for Public Forum 2	2/11/2020
Taxing Districts Briefing Meeting	Update overlapping taxing districts with project details and financial implications	2/11/2020
Advisory Committee Meeting #3	Review and discuss project list & financials	2/18/2020
Public Forum #2	Present community input summary and discuss project list and financials	2/18/2020

City Council	Present community input summary and discuss project list and financials	2/24/2020
Roads End Improvement Association (Virtual Meeting)	Urban Renewal update	3/14/2020
City Council	Prompt City Council for direction on next steps, discuss revenue sharing	3/23/2020
Memo to taxing districts	Update overlapping taxing districts with project details and updated financial impacts as a result of revenue sharing	4/6/2020
Advisory Committee Meeting #4	Review and discuss draft Plan and Report	4/28/2020
Urban Renewal Agency review	Review and discuss draft Plan and Report	6/15/2020
Consult and Confer letters	Provide overlapping taxing districts with draft Plan and Report to review	*after Agency meeting
Planning Commission meeting	Review and discuss draft Plan's conformance to comprehensive plan	7/7/2020
Lincoln County briefing	Review and discuss draft Plan and Report including maximum indebtedness	7/8/2020
City Council hearing	Review and discuss draft Plan and Report, first reading of ordinance for Plan adoption	7/27/2020

Note on language: This Plan, wherever applicable and permissible, uses the term Tax Increment Finance or TIF synonymous with "urban renewal". The term TIF is used consistently in other parts of the nation and does not evoke past practices of other urban renewal agencies throughout the country wherein minorities and underrepresented populations were displaced to clear the way for redevelopment. This Plan aims to avoid those connotations and has been created with intention to avoid those outcomes. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Plan.

B. Plan Overview

The Goals and Objectives of this Plan are intended to guide investment by the Agency in the Area over the life of the Plan. Substantial amendments to the Plan must be approved by City Council as outlined in Section VII. All amendments to the Plan are to be listed numerically on the inside of the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the Oregon Revised Statute (ORS) 457.085(2) requirements is shown in Table 2. The specific reference in the table below is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 2 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V, VI
ORS 457.085(2)(b)	V, VI
ORS 457.085(2)(c)	XIV
ORS 457.085(2)(d)	XIII
ORS 457.085(2)(e)	XIII
ORS 457.085(2)(f)	IX
ORS 457.085(2)(g)	VIII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VII
ORS 457.085(2)(j)	Not applicable

C. Tax Increment Financing Overview

ORS 457 allows for the use of tax increment revenues, a financing source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area, in this Plan called the Roads End/Villages at Cascade Head Area TIF Area or Area, from the time the Area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for projects within the Area and cannot exceed the maximum indebtedness amount set by the Tax Increment Plan.

The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in ORS 457. These

areas can have property that is undeveloped or underdeveloped, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development. In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for development, rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces.

The Area meets the definition of blight due to its infrastructure deficiencies including deficiencies in the Transportation System, Parks System, Sewer System, Stormwater System and Water System. In addition, there are many undeveloped properties within the Area. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report Accompanying Roads End/Villages at Cascade Head TIF Area (Report).

The Report contains the information required by ORS 457.085(3), including:

- A description of the physical, social, and economic conditions in the area;
- The expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan Area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source(s) of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the Urban Renewal Area; and
- A relocation report.

III. MAXIMUM INDEBTEDNESS

Maximum indebtedness is a legal term for the total amount of money that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion, is $87,100,000 (Eighty Seven Million One Hundred Thousand Dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness, or interest earned on bond proceeds.

IV. GOALS AND OBJECTIVES

The Agency adopted both a Mission, and Goals and Objectives when the Year 2000 Plan was prepared. Goals and Objectives of this Plan represent its basic intents and purposes. The projects identified in Sections V and VI of the Plan are the specific means of meeting the goals. The goals will be pursued as economically as is feasible and at the discretion of Agency. They are not listed in any order of importance or priority.

A. Agency Mission

The mission of the Agency is to eliminate blight and depreciating property values in areas within the Agency's jurisdiction and in the process, attract job producing private investments that will improve property values, improve the Area's visual quality and establish a positive linkage between the Area and the Pacific Ocean – all in a manner which will be compatible with the City's natural and built setting.

B. Plan Goals

To accomplish its mission the Agency will develop and implement an urban renewal (tax increment finance) program known as the Plan, the goals and objectives of which are:

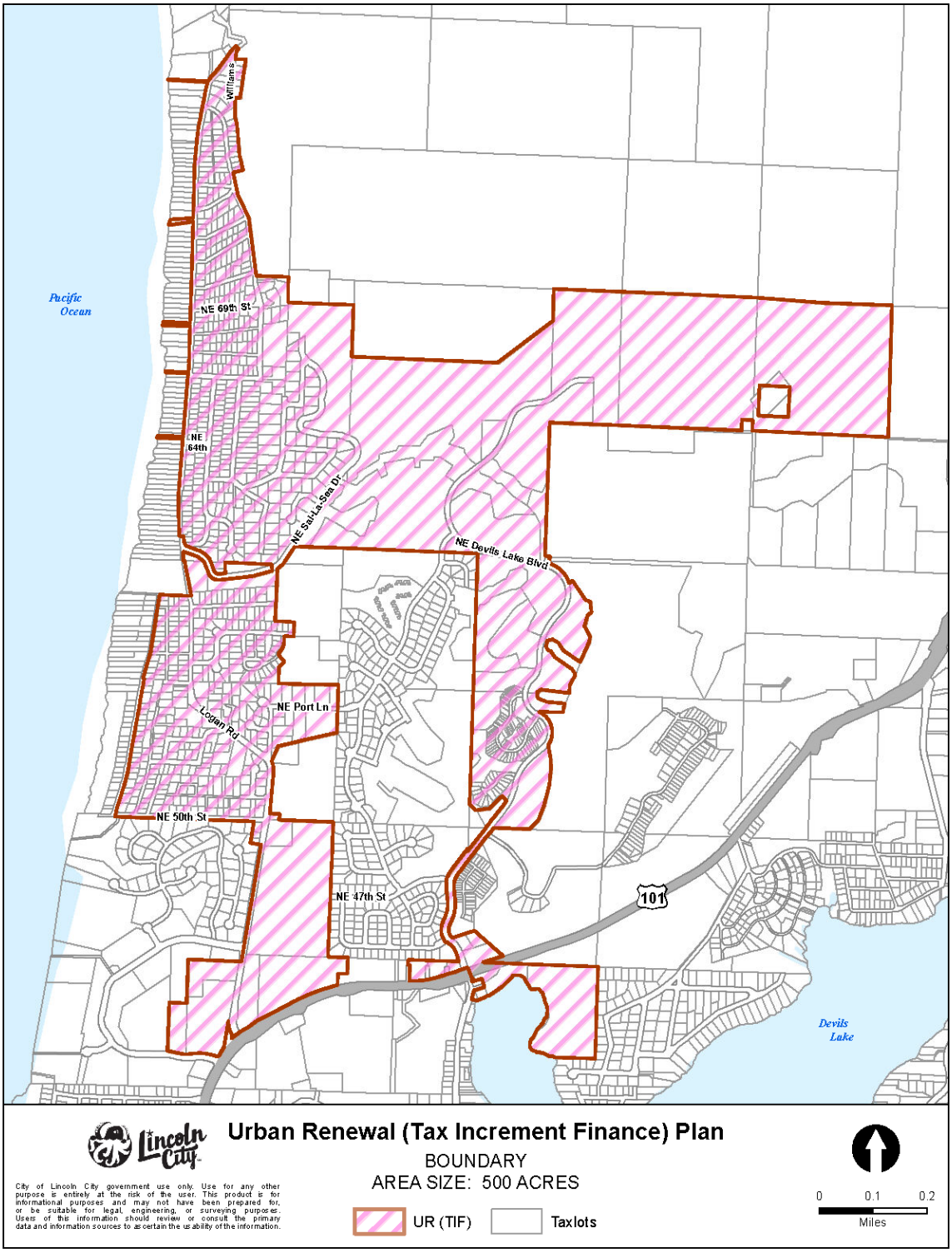
1. To resolve the problems created by existing blighted conditions so that unused and underused properties can be placed in productive condition and utilized at their highest and best use.
2. To involve community members and stakeholders and increase engagement in planning to support projects in the Area.
3. To establish and improve road connections to increase accessibility within as well as into and out of Area.
4. To improve the City's economic vitality and its ability to provide municipal services.
5. To support City economic development and housing goals.
6. To install and enhance pedestrian pathways in areas of maximum concentration to improve the pedestrian environment.
7. To enhance and increase accessibility of Area parks and open spaces and to increase connectivity to greater trail systems.
8. To establish and improve water, sewer, and utility systems to support existing and future development, and to place underground, existing overhead utility systems in areas that will improve view corridors as well as safety in the event of inclement weather or natural disasters.

9. To be sensitive to, and to minimize to the greatest extent possible, the effects of tax increment financing upon the overlapping taxing districts through revenue sharing.

10. To enhance opportunities for business and tourist-related property to be developed, redeveloped, improved, rehabilitated and conserved in ways which will:

    a. Ensure that traffic flow, off-street parking, and other public facilities within the Area are adequate to accommodate current and future development
    b. Improve the Area's visual quality consistent with that of the Oregon Coast's natural environment
    c. Encourage the expansion and development of businesses that will produce living wage jobs for the people of the City
    d. Increase property values so that the Area will contribute its fair share to the costs of providing public services
    e. Leverage the Agency's financial resources to maximum extent possible with other public and private investment and other funding sources

Figure 1 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Boundary



Source: City of Lincoln City GIS

V. URBAN RENEWAL PROJECT CATEGORIES

In relationship to the goals described in the previous section, the projects within the Area fall into the following categories:

A. Transportation

B. Economic Development

C. Parks, Trails and Open Space

D. Public Works/Utilities

E. Community Connections/Appearance

F. Emergency Preparedness, Resiliency and Mitigation

G. Plan Administration

VI. URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan are described below. No project currently includes a public building. If any project considered in the future proposes a public building, the public building criteria in ORS 457.010 and ORS 457.035 to 457.320 will need to be addressed at the time the project is considered. If a public building is proposed, and concurrence is provided by the taxing districts as described in ORS 457.089, then the project and the statutory requirements must be identified in the Plan through a Minor Amendment, as described in Section VII.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.
- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.
- Safety improvements including but not limited to:
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies
- Improved public parking on and off-street; could include but are not limited to Sal-La-Sea second parking lot.

- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.
- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works.
- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Rd., Devils Lake Blvd., Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects .
- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to land acquisition, work force housing, child care facilities in support of City efforts, and construction of visitor and educational facilities.

C. Parks, Trails and Open Space

- Improved access to trail heads and parking for recreation partner trails.
- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.
- The Villages Neighborhood Park A

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.
- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.
- Public utility improvements to include but are not limited to power, electric, gas, and cable along NE Devils Lake Boulevard and other locations within Area.
- Improved infrastructure to support long-range water security for Area.
- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.
- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.
- Improve water line from 69th Street to Williams Court and provide sewer lines to unsewered areas.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrian.
- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

G. Plan Administration

Provide funds to retain the services of City personnel or other independent professionals or organizations for activities such as:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

VII. AMENDMENTS TO PLAN

The Plan may be amended as described in this section.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission, and adoption by the City Council by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within the City of Lincoln City, as required by ORS 457.120.

Substantial Amendments shall be processed in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:[1]

1. Add land to the urban renewal area, except for an addition of land that totals not more than 1% of the existing area of the urban renewal area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

C. Council Approved Amendments

Amendments to the Revenue Sharing provisions contained in Chapter X Tax Increment Financing of Plan may be completed through a Council Approved Amendment by resolution of the City Council after notification to all impacted taxing districts following the standards outlined in ORS 457.455.

D. Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code

Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code, Title 17 Zoning that affect the Plan and/or the Area shall be

[1] Unless otherwise permitted by state law, no land equal to more than 20 percent of the total land area of the original Plan shall be added to the urban renewal area by amendments, and the aggregate amount of all amendments increasing the maximum indebtedness may not exceed 20 percent of the Plan's initial maximum indebtedness, as adjusted, as provided by law, with increases beyond that amount requiring concurrence as stated in ORS 457. .

incorporated automatically within the Plan without any separate action required by the Agency or City Council.

VIII. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(2)(g).

A. Property acquisition for public improvements

The Agency may acquire property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the Area that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the Urban Renewal Agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of

its improvements within a period of time that the Agency determines is reasonable.

IX. RELOCATION METHODS

If the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. No specific acquisitions that would result in relocation benefits have been identified in the Plan.

X. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the bonds are used to finance the urban renewal projects authorized in the Plan. Bonds may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative *increase* in assessed value within an urban renewal area over the total assessed value at the time an urban renewal plan is adopted. (Under current law, the property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.)

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes,

if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

C. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Agency or the City of Lincoln City in connection with the preparation of this Plan or prior planning efforts related to this Plan may be repaid from tax increment revenues from the Area when and if such funds are available.

D. Revenue Sharing

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue will go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

E. Under-levy

The Agency may determine to under-levy pursuant to ORS 457.455 notwithstanding any of the foregoing provisions.

XI. VALIDITY

Should a court of competent jurisdiction find any work, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such findings and shall remain in full force and effect for the duration of this Plan.

XII. ANNUAL REPORT

The Agency shall file an Annual Report in compliance with ORS 457.460.

XIII. RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives. This section provides that analysis. Relevant local planning and development objectives are contained within the *City of Lincoln City Comprehensive Plan, City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis, and the Lincoln City Municipal Code, Title 17 Zoning.* The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan conforms to the applicable goals and policies.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. The language from the original document is in *italics.* Comprehensive Plan designations for all land in the Area are shown in Figure 2, Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan Comprehensive Plan Designations.

All proposed land uses conform to Figure 3. Maximum densities and building requirements for all land in the Area are contained in the Lincoln City Municipal Code described in subsection C of this Section XIII. The zoning designations are shown in Figure 2.

A. Lincoln City Comprehensive Plan

The analysis of how the Plan conforms to the *Lincoln City Comprehensive Plan* (Comprehensive Plan) covers the most relevant sections, but may not cover every section, of the Comprehensive Plan that relates to the Plan.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. If a substantial amendment is completed in the future, this section of the Plan should be updated at that point.

Below are applicable Comprehensive Plan policies and statements of the Plan's conformance to Comprehensive Plan policies.

Citizens Involvement Goal

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

Finding: The Plan conforms to the Citizens Involvement Goal as there has been citizen involvement in the preparation of the Plan. The City created a project Advisory Committee (AC) for the preparation and review of the Plan. In addition to the AC, the City met with representatives of the taxing districts to review the Plan. There were two Public Forums to present information about the Plan and to provide opportunity for input. The City presented information on two separate KBCH AM 1400 radio shows, sent an e-mail to the general contact list, provided an on-line survey, sent out public press releases, and met with the Roads End Improvement Association. A full list of outreach is show in Table 1. In addition, the Agency will complete a future Community Vision for the Area to establish project priorities.

Public Services and Utilities Goal

To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development.

Overall Public Facility Policies

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

Individual Public Facilities Policies

II. Drainage Policies:

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

III. Parks and Recreation Policies

1. *The City shall provide recreational facilities and activities for all citizens of the city.*
3. *The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.*
7. *The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.*
8. *The City shall work with the State Parks Department to improve the use of existing State Parks within the city.*

Finding: The Plan conforms to the Public Services and Utilities Goal as there are projects for undergrounding utilities, improving the drainage, and for providing new recreational facilities, bikeways and connections in the Area.

Housing Goal

To provide for the housing needs of all citizens.

Housing Policies

1. *The City shall encourage a wide range of housing types.*
3. *The City shall encourage multi-family buildings subject to design and landscape control.*
4. *The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.*

Finding: The Plan conforms to the Housing Goal as there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Economy Goal

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

Economic Development Policies

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

Finding: The Plan conforms to the Economy Goal as there is a specific project category to help incentivize economic development in the Area. In addition, there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Aesthetic Goal

To develop a livable and pleasing city which enhances people's activities while protecting the exceptional aesthetic quality of the area.

Aesthetic Policies

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

Finding: The Plan conforms to the Aesthetic Goal as there is a project for undergrounding utilities in the Area.

Transportation Goal

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

Transportation Policies

Roadway Development

2. *Identify and develop bicycle routes through and around town that are safe, attractive and user-friendly.*
4. *Develop improved east west street connections with neighborhood needs and the direction of commercial in mind.*

Pedestrian Facilities

1. *Develop a plan for improved pedestrian crossings of 101 including signal treatments, with some crosswalk relocation and development.*
3. *Develop an off street pedestrian trail system perhaps integrated with a bike trail system to supplement on street facilities*

Bicycle Facilities

1. *Identify and develop a system of off Highway 101 bicycle routes through and around town that are safe, attractive and user friendly.*

Off Street Parking Development

1. *Refine the public off street parking development plan along Hwy 101 through the City.*
2. *Develop improved beach access parking facilities in the City.*

Transportation Financing

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

Finding: The Plan conforms to the Transportation Goal as there are projects to improve the transportation system for all users in the Area. There is also a project for community wayfinding to help facilitate pedestrians and bicyclists to use these systems.

Energy Goal

To conserve energy.

Energy Policies

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

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

Finding: The Plan conforms to the Energy Goal as there are projects in the Plan that improve the transportation system, parks system and provide incentives for economic development that will help support new development in the Area.

Overall Environmental Goal

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

Finding: The Plan conforms to the Overall Environmental Goal as the projects that improve the transportation system, parks system and provide incentives for economic development will aid in balancing the need for new development and protecting the natural environments of the City.

B. Lincoln City Economic Opportunities Analysis and Housing Needs Analysis[2]

Economic Development Objectives

- *Encourage local businesses that provide family-wage jobs to locate in Lincoln City.*
- *Support the growth of existing businesses and entrepreneurs.*
- *Foster Lincoln City's recreation and tourism based economy, particularly during off-peak times (e.g. pursue a regional sports complex).*
- *Support the success of businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.*
- *Encourage development of a local workforce with the skills that Lincoln City businesses need.*
- *Encourage the development of housing affordable to Lincoln City's workforce.*
- *Develop telecommunications and other infrastructure necessary to support home-based businesses and workers.*
- *Improve the transportation system to support economic development. Explore the use of Devils Lake for transportation purposes.*
- *Coordinate economic development efforts with local and regional partners.*

[2] *City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis,* Cogan Owens Greene, FCS Group, Fregonese Associates, April 2017.

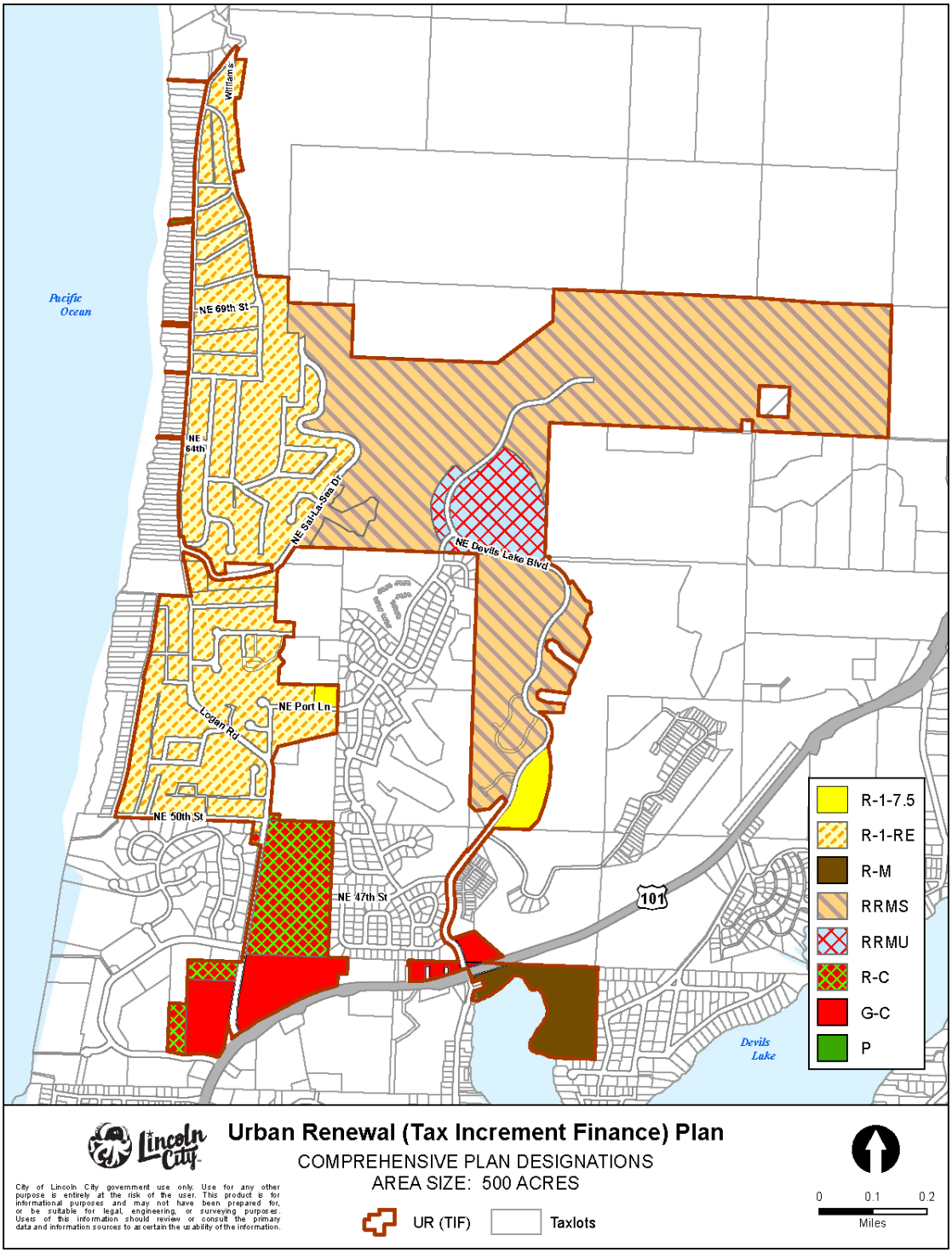
Housing Objectives

Encourage the development of affordable and workforce housing:

- *Investigate ways to reduce fees on new construction of affordable and workforce housing, while ensuring new infrastructure is not underfunded.*
- *Facilitate development of affordable housing on city-owned properties.*
- *Periodically review the development code's regulations and zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses and senior housing.*
- *Involve employers in efforts to provide and support workforce housing.*
- *Enact strategies to ensure that sufficient appropriately zoned land is available within the city and outside the tsunami inundation zone, such as increasing densities and annexing new lands.*
- *Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping, and services.*
- *Streamline the permitting process for affordable and workforce housing.*

Finding: The Plan conforms to the *Lincoln City Economic Opportunities Analysis and Housing Needs Analysis* as there is a specific Economic Development program to encourage and incentivize development in the Area. There are projects to improve the transportation system for all users and to improve the park system in the Area. These activities will also be key in providing Affordable Housing in the city. This Area has a majority of residents over 55, and providing commercial services, transportation and parks improvements will support that population.

Figure 2 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Comprehensive Plan Designations



Source: City of Lincoln City GIS

C. Lincoln City Municipal Code

The land uses in the Area will conform to the zoning designations in the *Lincoln City Municipal Code, Title 17 Zoning*, including maximum densities and building requirements, and those provisions of the *Lincoln City Municipal Code*, are incorporated by reference herein. The following zoning districts are present in the Area:

Single Family Residential (R1)

Purpose: To promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. The R-1 zone is intended to provide primarily for single-family dwellings.

Subset:

***R-1-7-5** (Single family residential 7,500 square foot minimum lot size)*

Single Family Residential, Roads End (R-1-RE)

Purpose: To retain and maintain the historic and traditional nature of the Roads End neighborhood, to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the area. The R-1-RE zone is intended to provide primarily for single-family dwellings. Nonconforming uses are permitted to continue in accordance with Chapter 17.64 LCMC.

Multiple-Family Residential (R-M)

Purpose: This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.

Recreation Commercial (RC)

Purpose: The 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.

General Commercial (GC)

Purpose: The general commercial zone (GC) is provided to accommodate a wide range of retail commercial uses including those which attract shoppers from a community or larger market area, as well as convenience service/retail uses and single-family residential dwelling units. Retail commercial uses are those that sell services and/or products to the ultimate consumer. Also permitted as conditional

uses are low intensity fabrication uses and other limited service facilities as listed.

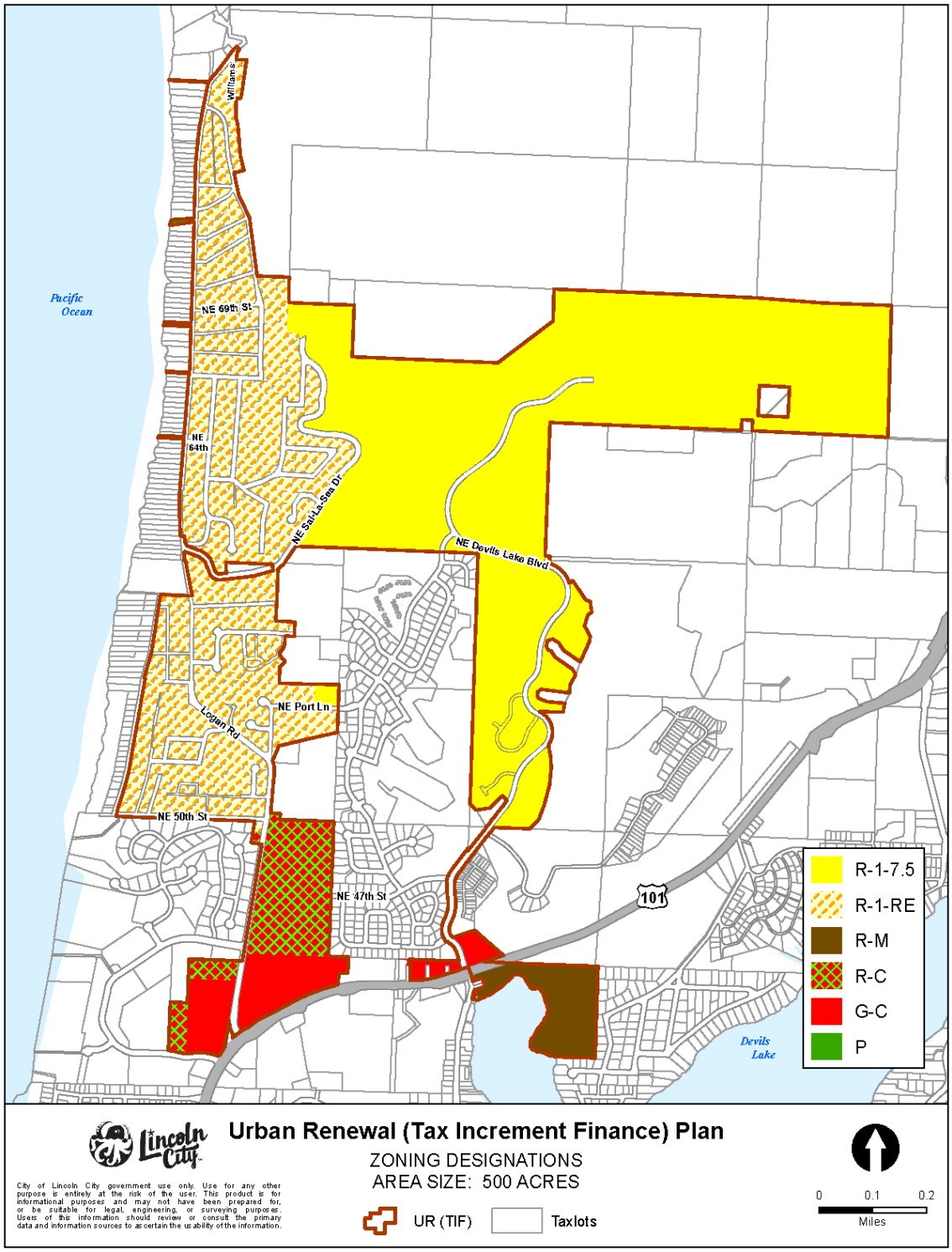
Park (P)

The purpose of the park (P) zone is to provide designated areas for parks and recreational facilities in the city.

Finding: The Plan conforms to the *Lincoln City Municipal Code Title 17* as projects, programs, and expenditures proposed in the Plan conform to the requirements in the code and support the types of uses allowed in the zoning districts present in the Area.

As the *Lincoln City Municipal Code Title 17 Zoning* is updated, this document will be updated by reference. If a substantial amendment to this Plan is completed in the future, this section will be updated to match the current zoning designations.

Figure 3 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Zoning Designations



Source: City of Lincoln City GIS

XIV. LEGAL DESCRIPTION

AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com
OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

City of Lincoln City

Urban Renewal Area

A tract of land and road rights-of-way located in the Southwest One-Quarter of Section 26, the Southeast one-Quarter of Section 27, the Northeast One-Quarter, and the Southeast One-Quarter of Section 34, the Northeast One-Quarter, the Northwest One-Quarter, the Southwest One-Quarter, and the Southeast One-Quarter of Section 35, and the Northwest One-Quarter of Section 36, Township 6 South, Range 11 West, and the Northeast One-Quarter and the Northwest One-Quarter of Section 2, and the Northeast One-Quarter of Section 3, Township 7 South, Range 11 West, Willamette Meridian, City of Lincoln City, Lincoln County, Oregon, and being more particularly described as follows:

Beginning at the southeasterly corner of Lot 15, Block 1 of the plat of “Second Foothills Addition to Roads End” (Assessor’s Map 06.11.27DD);

1. Thence along the southerly line of said Lot 15, Westerly 100 feet, more or less, to the easterly right-of-way line of NE Neptune Drive (Assessor’s Map 06.11.27DD);
2. Thence along said easterly right-of-way line, Southerly 1,039 feet, more or less, to the southerly line of Section 26 (Assessor’s Map 06.11.26);
3. Thence along said southerly line, Easterly 315 feet, more or less, to the westerly line of Deed Book 303, Page 231 (Assessor’s Map 06.11.35BB);
4. Thence along said westerly line, Southerly 55 feet, more or less, to the northerly line of Parcel 3 of Partition Plat No. 1993-17 (Assessor’s Map 06.11.35BB);
5. Thence along said northerly line, Easterly 7 feet, more or less, to the northeasterly corner of said Parcel 3 (Assessor’s Map 06.11.35BB);
6. Thence along the easterly line of said Parcel 3, Southerly 191 feet, more or less, to the southerly line of said Deed Book 303, Page 231 (Assessor’s Map 06.11.35BB);
7. Thence along said southerly line, and the easterly extension thereof, Easterly 636 feet, more or less, to the easterly line of Parcel 3 of Instrument Number 2013-05262 that bears 247.45 feet southerly, more or less, from the northeasterly corner of said Parcel 3 (Assessor’s Map 06.11.35);

8. Thence along said easterly line, Southerly 505 feet, more or less, to a point that bears 752.45 feet southerly, more or less, from said northeasterly corner (Assessor's Map 06.11.35);
9. Thence leaving said easterly line, South 87°47'18" East 1425.05 feet, more or less (Assessor's Map 06.11.35);
10. Thence North 53°13'00" East 670.78 feet, more or less, to a point on the westerly line of Parcel 5 of Instrument Number 2013-05262 that bears 318.76 feet, more or less, southerly of the northwesterly corner of said Parcel 5 (Assessor's Map 06.11.35);
11. Thence along said westerly line, Northerly 319 feet, more or less, to the northerly line of Section 35, Township 6 South, Range 11 West (Assessor's Map 06.11.35);
12. Thence along said northerly line, and continuing along the northerly line of Section 36, Township 6 South, Range 11 West, Easterly 3,302 feet, more or less, to the easterly line of Government Lot 7 (Assessor's Map 06.11.36);
13. Thence along the easterly line of said Lot 7, Southerly 1,285 feet, more or less, to the southerly line of said Lot 7 (Assessor's Map 06.11.36);
14. Thence along said southerly line, and the westerly extension thereof, Westerly 1,325 feet, more or less, to the westerly line of Section 36 (Assessor's Map 06.11.36);
15. Thence along said westerly line, Northerly 104 feet, more or less, to the northeasterly corner of Instrument Number 2019-00761 (Assessor's Map 06.11.35);
16. Thence along the northerly line of said Deed, Westerly 104 feet, more or less, to the northwesterly corner of said Deed (Assessor's Map 06.11.35);
17. Thence along the westerly line of said Deed, Southerly 104 feet, more or less, to the southerly line of Government Lot 1 of Section 35 (Assessor's Map 06.11.35);
18. Thence along said southerly line, and the westerly extension thereof, Westerly 1,875 feet, more or less, to the northwesterly corner of Parcel 1 of Partition Plat Number 2018-15, also being the easterly boundary of the plat of "Rock Creek Village" (Assessor's Map 06.11.35);
19. Thence along said easterly boundary, Southerly 1,305 feet, more or less, to the southerly line of the northeast One-Quarter of Section 35 (Assessor's Map 06.11.35);
20. Thence along said southerly line, Easterly 51 feet, more or less, to the easterly line of said plat (Assessor's Map 06.11.35);
21. Thence tracing said easterly line, Southerly 1,318 feet, more or less, to the northerly line of Tract 7 of said plat (Assessor's Map 06.11.35DB);
22. Thence along the northerly, westerly and southerly lines of said Tract 7, Southerly 874 feet, more or less, to the easterly line of Lot 8 of said plat (Assessor's Map 06.11.35DB);
23. Thence along the easterly line of said Lot 8, Southerly 192 feet, more or less, to the northeasterly corner of Tract 6 of said plat (Assessor's Map 06.11.35DC);

24. Thence along the northerly, westerly and southerly lines of said Tract 6, Southerly 648 feet, more or less, to the southeasterly corner of said Tract 6, also being on the easterly line of said Lot 8 (Assessor's Map 06.11.35DC);
25. Thence along said easterly line, Southerly 90 feet, more or less, to the southeasterly corner of said Lot 8 (Assessor's Map 06.11.35DC);
26. Thence along the southerly line of said Lot 8, Westerly 234 feet, more or less, to the easterly right-of-way line of NE Devil's Lake Boulevard (Assessor's Map 06.11.35DC);
27. Thence along said easterly right-of-way line, Southerly 386 feet, more or less, to the northeasterly corner of Lot 1 of said plat (Assessor's Map 06.11.35DC);
28. Thence along the easterly line of said Lot 1, Southerly 872 feet, more or less, to the southeasterly corner of said Lot 1 (Assessor's Map 06.11.35DC);
29. Thence along the southerly line of said Lot 1, Westerly 351 feet, more or less, to the easterly right-of-way line of NE Devil's Lake Boulevard (Assessor's Map 07.11.02AB);
30. Thence along said easterly right-of-way line, Southwesterly 1,220 feet, more or less, to the southerly line of Parcel 1 of Partition Plat No. 2015-09 (Assessor's Map 07.11.02AB);
31. Thence along said southerly line, Easterly 228 feet, more or less, to the westerly line of Tract "B" of the plat of "Devils Lake Golf and Racquet Club Estates" (Assessor's Map 07.11.02AB);
32. Thence along said westerly line, Southeasterly 374 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02AB);
33. Thence along said northwesterly right-of-way line, Westerly 203 feet, more or less, to the southerly line of Northwest One-Quarter of the Northeast One-Quarter of Section 2, Township 7 South, Range 11 West (Assessor's Map 07.11.02AB);
34. Thence along said southerly line, and continuing along the southerly line of the Northeast One-Quarter of the Northeast One-Quarter of said Section 2, Easterly 1,120 feet, more or less, to the northwesterly corner of the plat of "Crown Imperial III" (Assessor's Map 07.11.02AD);
35. Thence along the westerly line of said plat, Southerly 899 feet, more or less, to the northerly line of the plat of "Lakeside Heights" (Assessor's Map 07.11.02AC);
36. Thence along said northerly line, Westerly 389 feet, more or less, to the Mean High Water Line of Devil's Lake, as shown on said plat (Assessor's Map 07.11.02AC);
37. Thence along said Mean High Water Line, Northwesterly 1,669 feet, more or less, to the northerly line of Deed Book 185, Page 2279 (Assessor's Map 07.11.02BD);
38. Thence along said northerly line, Westerly 55 feet, more or less, to the easterly right-of-way line of NE West Devil's Lake Road (Assessor's Map 07.11.02BD);
39. Thence along said easterly right-of-way, Northerly 91 feet, more or less, to the southeasterly right-of-way line of Lake Drive (Assessor's Map 07.11.02BD);

40. Thence along said southeasterly right-of-way line, Northeasterly 106 feet, more or less, to the southerly extension of the easterly line of Lot 7, Block 5 of the plat of “Lakonia” (Assessor’s Map 07.11.02BD);
41. Thence along said southerly extension and said easterly line, Northerly 85 feet, more or less, to the northeasterly corner of said Lot 7 (Assessor’s Map 07.11.02BD);
42. Thence along the northerly line of said Lot 7, Southwesterly 100 feet, more or less, to the easterly right-of-way line of NE West Devil’s Lake Road (Assessor’s Map 07.11.02BD);
43. Thence along said easterly right-of-way line, Northerly 28 feet, more or less, to the southeasterly right-of-way line of US Highway 101 (Assessor’s Map 07.11.02BD);
44. Thence leaving said southeasterly right-of-way line, Northerly 120 feet, more or less, to the intersection of the northwesterly right-of-way line of US Highway 101 and the easterly right-of-way line of NE Devil’s Lake Boulevard (Assessor’s Map 07.11.02BD);
45. Thence along said northwesterly right-of-way line, Westerly 585 feet, more or less, to the easterly right-of-way line of NW 4th Street (Assessor’s Map 07.11.02BD);
46. Thence along said easterly right-of-way line, Northerly 157 feet, more or less, to the northerly right-of-way line of NW 4th Street (Assessor’s Map 07.11.02BD);
47. Thence along said northerly right-of-way line, Westerly 20 feet, more or less, to the vacated centerline of NW 4th Street (Assessor’s Map 07.11.02BD);
48. Thence along said vacated centerline, Northerly 50 feet, more or less, to the northerly line of the said plat of “Lakonia” (Assessor’s Map 07.11.02BD);
49. Thence along said northerly line, Easterly 497 feet, more or less, to the westerly right-of-way line of NE Devil’s Lake Boulevard (Assessor’s Map 07.11.02BD);
50. Thence along said westerly right-of-way line, Northerly 1,907 feet, more or less, to the southeasterly corner of Tract 2 of the plat of “Maplewood” (Assessor’s Map 06.11.35DC);
51. Thence along the southerly line of said Tract 2, Westerly 450 feet, more or less, to the North-South centerline of Section 35, Township 6 South, Range 11 West (Assessor’s Map 06.11.35DC);
52. Thence along said North-South centerline, Northerly 2,450 feet, more or less, to the Center of said Section 35, and the westerly south line of the plat of “Rock Creek Village” (Assessor’s Map 06.11.35);
53. Thence along said westerly south line, Westerly 1,784 feet, more or less, to the southeasterly right-of-way line of NE Sal-La-Sea Drive (Assessor’s Map 06.11.35BC);
54. Thence along said southeasterly right-of-way line, Southwesterly 278 feet, more or less, to the westerly line of Parcel 2 of Partition Plat Number 2016-07 (Assessor’s Map 06.11.35CB);
55. Thence along said westerly line, Southerly 513 feet, more or less, to the northerly line of the plat of “Belhaven at Roads End” (Assessor’s Map 06.11.35CB);

56. Thence along said northerly line, Easterly 186 feet, more or less, to the northeasterly corner of Lot 1 of said plat (Assessor's Map 06.11.35CB);
57. Thence along the easterly line of said Lot 1, and the southerly extension thereof, Southerly 139 feet, more or less, to the southerly right-of-way line NE 56th Drive (Assessor's Map 06.11.35CB);
58. Thence along said southerly right-of-way line, Westerly 78 feet, more or less, to the easterly right-of-way line of NE Mulberry Loop (Assessor's Map 06.11.35CB);
59. Thence along said easterly right-of-way line, Southerly 210 feet, more or less, to the northeasterly line of Lot 23 of said plat (Assessor's Map 06.11.35CB);
60. Thence along said northeasterly line, Southerly 83 feet, more or less, to the southeasterly line of said Lot 23 (Assessor's Map 06.11.35CB);
61. Thence along said southeasterly line, and the southwesterly extension thereof, Southwesterly 75 feet, more or less, to the northeasterly corner of Tract A of said plat (Assessor's Map 06.11.35CB);
62. Thence along the easterly line of said Tract A, Southerly 161 feet, more or less, to the southwesterly corner of Parcel 1 of Partition Plat No. 2016-07 (Assessor's Map 06.11.35CB);
63. Thence along the southerly line of said Parcel 1, Easterly 582 feet, more or less, to the westerly line of the plat of "Lincoln Palisades" (Assessor's Map 06.11.35CA);
64. Thence along said westerly line, and the southerly extension thereof, Southerly 465 feet, more or less, to the southeasterly corner of Deed Book 84, Page 649 (Assessor's Map 06.11.35CC);
65. Thence along the southeasterly line of said Deed, and the southwesterly extension thereof, Southwesterly 584 feet, more or less, to the northwesterly corner of Parcel 1 of Instrument Number 2019-05924 (Assessor's Map 06.11.35CC);
66. Thence along the westerly line of said Parcel 1, Southerly 159 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.35CC);
67. Thence along said easterly right-of-way line, Southerly 516 feet, to the northwesterly corner of Instrument Number 2015-11132 (Assessor's Map 06.11.35CC);
68. Thence along the northerly line of said Deed, Easterly 100 feet, more or less, to the northeasterly corner of said Deed (Assessor's Map 06.11.35CC);
69. Thence along the easterly line of said Deed, Southerly 60 feet, more or less, to the southerly line of Section 35 (Assessor's Map 06.11.35CC);
70. Thence along said southerly line, Easterly 530 feet, more or less, to the westerly line of the plat of "Pacific Rim Estates" (Assessor's Map 07.11.02BA);
71. Thence along said westerly line and the westerly line of the plat of "Garden Estates", Southerly 1,318 feet, more or less, to the southerly line of said "Garden Estates" plat (Assessor's Map 07.11.02BA);
72. Thence along said southerly line, Easterly 195 feet, more or less, to the northeasterly corner of Instrument Number 2003-19550 (Assessor's Map 07.11.02B);

73. Thence along the easterly line of said Deed, Southerly 361 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02B);
74. Thence along said northwesterly right-of-way line, Southwesterly 1,162 feet, more or less, to the easterly line of Lincoln County Court Case #860640 (Assessor's Map 07.11.02B);
75. Thence along said easterly line, Northerly 175 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 07.11.02B);
76. Thence along said westerly right-of-way line, Southerly 262 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02B);
77. Thence along said northwesterly right-of-way line, Southwesterly 120 feet, more or less, to the northerly right-of-way line of NW 40th Street (Assessor's Map 07.11.02B);
78. Thence along said northerly right-of-way line, Westerly 485 feet, more or less, to the southeasterly corner of Lot 62 of the plat of "Lincoln Star Shore Resorts" (Assessor's Map 07.11.03A);
79. Thence along the easterly line of said Lot 62, Northerly 475 feet, more or less, to the southwesterly corner of Lot 65 of said plat (Assessor's Map 07.11.03A);
80. Thence along the southerly most line of said Lot 65, Easterly 170 feet, more or less, to the southerly easterly line of said Lot 65 (Assessor's Map 07.11.03A);
81. Thence along said southerly easterly line, Northerly 424 feet, more or less, to the easterly southerly line of said Lot 65 (Assessor's Map 07.11.03A);
82. Thence along said easterly southerly line and continuing along the southerly line of Lot 66 of said plat, and the easterly extension thereof, Easterly 522 feet, more or less, to the centerline of NE/NW Logan Road (Assessor's Map 07.11.02B);
83. Thence along said centerline, Northerly 1,150 feet, more or less, to the easterly extension of the easterly northerly line of Lot 48 of said "Lincoln Star Shore Resort" plat (Assessor's Map 07.11.02BB);
84. Thence along said easterly extension and said easterly northerly line, Westerly 109 feet, more or less, to the northerly easterly line of said Lot 48 (Assessor's Map 07.11.02BB);
85. Thence along said northerly easterly line, and the northerly extension thereof, Northerly 214 feet, more or less, to the southerly right-of-way line of NW 50th Street (Assessor's Map 07.11.02BB);
86. Thence along said southerly right-of-way line, Westerly 1,354 feet, more or less, to the southerly extension of the easterly right-of-way line of NW Jetty Avenue (Assessor's Map 06.11.34DD);
87. Thence along said southerly extension and said easterly right-of-way line, Northerly 2,223 feet, more or less, to the southerly right-of-way line of NW 59th Street (Assessor's Map 06.11.34DA);
88. Thence along said southerly right-of-way line, Easterly 270 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34DA);

89. Thence leaving said westerly right-of-way line, at right angles, Easterly 40 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34DA);
90. Thence along said easterly right-of-way line, Northerly 450 feet, more or less, to the southerly right-of-way line of NE Sal-La-Sea Drive (Assessor's Map 06.11.34AD);
91. Thence along said southerly right-of-way line, Easterly 1,004 feet, more or less, to a point which bears South 00°00'00" East 62.77 feet, more or less, from the southerly southeast corner of Lot 1 of the plat of "Rau Addition to Roads End" (Assessor's Map 06.11.35CB);
92. Thence leaving said southerly right-of-way line, Northerly 63 feet, more or less, to the said southerly southeasterly corner (Assessor's Map 06.11.35CB);
93. Thence along the southerly line of said Lot 10, and the westerly extension thereof, Westerly 456 feet, more or less, to the northeasterly corner of Deed Book 69, Page 44 (Assessor's Map 06.11.35CB);
94. Thence along the easterly line of said Deed, Southerly 105 feet, more or less, to the northerly right-of-way line of NE Sal-La-Sea Drive (Assessor's Map 06.11.35CB);
95. Thence along said northerly right-of-way line, Northwesterly 518 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
96. Thence along said easterly right-of-way line, Northerly 96 feet, more or less, to the southerly line of Lot 68 of the plat of "First Addition to Roads End" (Assessor's Map 06.11.34AD);
97. Thence along said southerly line, and the westerly extension thereof, Westerly 40 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
98. Thence along said westerly right-of-way line, Northerly 952 feet, more or less, to the northerly line of Lot 31 of said plat (Assessor's Map 06.11.34AD);
99. Thence along the said northerly line, and the westerly extension thereof, Westerly 251 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AD);
100. Thence along said Approximate Mean High Water Line, Northerly 21 feet, more or less, to the westerly extension of the southerly line of Lot 29 of said plat (Assessor's Map 06.11.34AD);
101. Thence along said westerly extension and said southerly line, Easterly 246 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
102. Thence along said westerly right-of-way line, Northerly 620 feet, more or less, to the northerly line of Lot 5 of said plat (Assessor's Map 06.11.34AA);
103. Thence along said northerly line, and the westerly extension thereof, Westerly 220 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AA);

104. Thence along said Approximate Mean High Water Line, Northerly 11 feet, more or less, to the westerly extension of the southerly line of Lot 3 of said plat (Assessor's Map 06.11.34AA);
105. Thence along said westerly extension and said southerly line, Easterly 224 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AA);
106. Thence along said westerly right-of-way line, Northerly 449 feet, more or less, to the northerly line of Lot 7 of the said unrecorded plat (Assessor's Map 06.11.34AA);
107. Thence along said northerly line, and the westerly extension thereof, Westerly 268 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AA);
108. Thence along said Approximate Mean High Water Line, Northerly 34 feet, more or less, to the westerly extension of the southerly line of Lot 8 of said plat (Assessor's Map 06.11.34AA);
109. Thence along said westerly extension and said southerly line, Easterly 263 feet, more or less, to the westerly right-of-way of NW/NE Logan Road (Assessor's Map 06.11.34AA);
110. Thence along said westerly right-of-way line, Northerly 991 feet, more or less, to the southeasterly corner of Instrument Number 2019-07121 (Assessor's Map 06.11.27DD);
111. Thence along the southerly line of said Deed, and the westerly extension thereof, Westerly 240 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.27DD);
112. Thence along said Approximate Mean High Water Line, Northerly 58 feet, more or less, to the westerly extension of the northerly line of said Deed (Assessor's Map 06.11.27DD);
113. Thence along said westerly extension and said northerly line, Easterly 226 feet, more or less, to the westerly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DD);
114. Thence along said westerly right-of-way line, Northerly 1,336 feet, more or less, to the northerly line of Lot 52 of said unrecorded plat (Assessor's Map 06.11.27DA);
115. Thence along said northerly line, and the westerly extension thereof, Westerly 389 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.27DA);
116. Thence along said Approximate Mean High Water Line, Northerly 10 feet, more or less, to the westerly extension of the southerly line of Lot 53 of said unrecorded plat (Assessor's Map 06.11.27DA);
117. Thence along said westerly extension and said southerly line, Easterly 389 feet, more or less, to the westerly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DA);
118. Thence along said westerly right-of-way line, Northeasterly 441 feet, more or less, to the northeasterly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DA);

119. Thence along said northeasterly right-of-way line, Southeasterly 40 feet, more or less, to the easterly right-of-way of NW/NE Logan Road (Assessor's Map 06.11.27DA);
120. Thence along said easterly right-of-way line, Southwesterly 26 feet, more or less, to the easterly right-of-way line of NE Williams Court (Assessor's Map 06.11.27DA);
121. Thence along said easterly right-of-way line, Southerly 83 feet, more or less, to a point that bears southerly 15.00 feet, more or less, from the northwesterly corner of Parcel 1 of Partition Plat No. 2002-01 (Assessor's Map 06.11.27DA);
122. Thence Easterly 101 feet, more or less, to the northeasterly corner of said Parcel 1 (Assessor's Map 06.11.27DA);
123. Thence along the easterly line of said Parcel 1, and the southerly extension thereof, Southerly 381 feet, more or less, to the southeasterly corner of Instrument Number 2014-04933 (Assessor's Map 06.11.27DA);
124. Thence along the southerly line of said Deed, Westerly 49 feet, more or less, to the easterly line of the plat of "Swalko Addition to Roads End" (Assessor's Map 06.11.27DA);
125. Thence along said easterly line and continuing along the easterly line of the plat of "Second Foothills Addition to Roads End", Southerly 710 feet, more or less, to the Point of Beginning (Assessor's Map 06.11.27DD);

Excepting therefrom the following parcel: (See Map Sheet 02)

Excepting Parcel as described in Ordinance No. 86-03, described as follows:

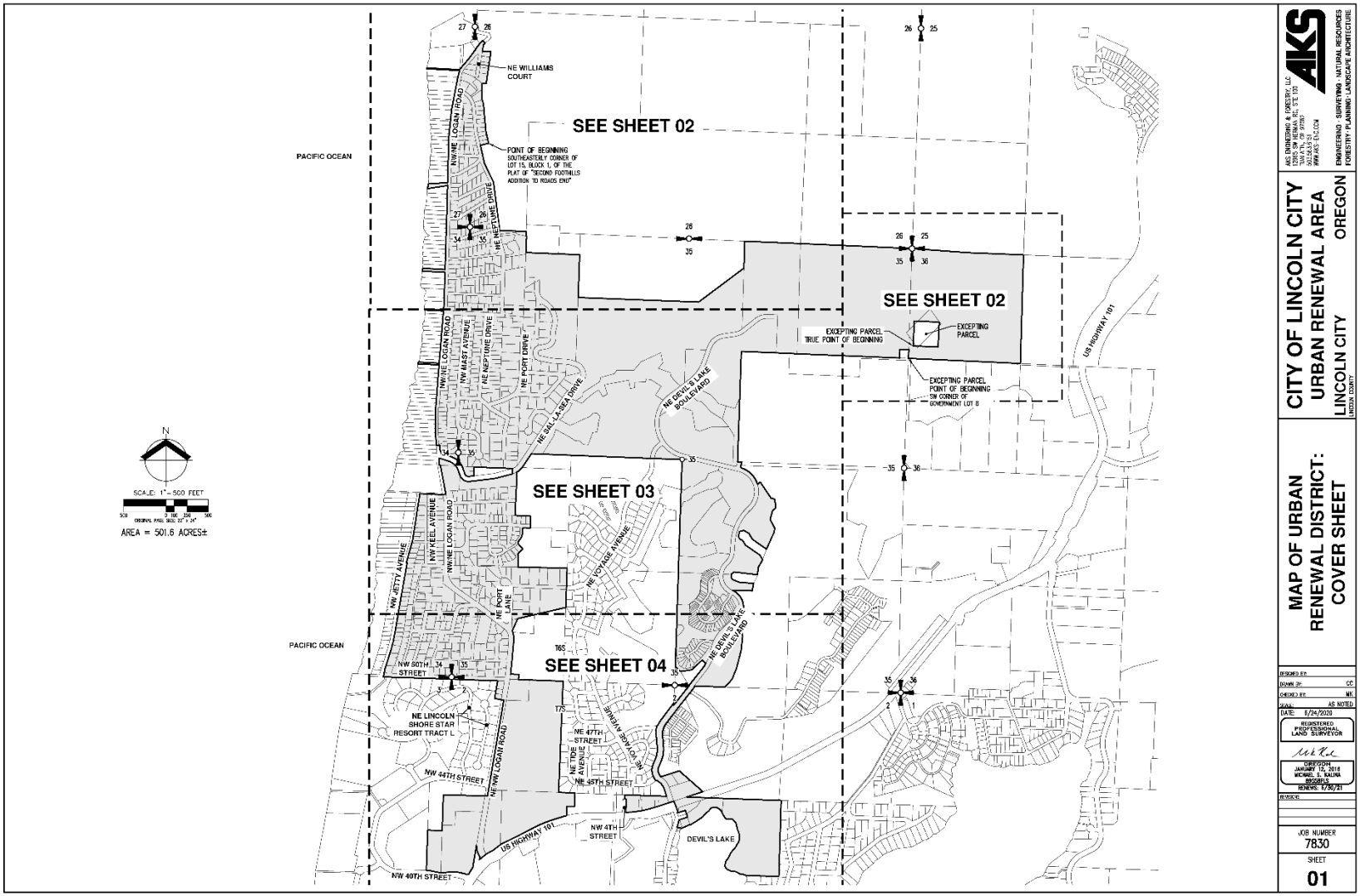
Beginning at the southwest corner of Government Lot 8 of Section 36 (Assessor's Map 06.11.36);

200. Thence leaving said Southwest Corner, North 20°51'49" East 157.69 to the intersection of a line that is parallel with and 54.00 feet easterly of the westerly line of said Lot 8 and a line that is parallel with and 150.00 feet northerly of the southerly line of said Lot 8, said intersection being the True Point of Beginning (Assessor's Map 06.11.36);
201. Thence along said westerly parallel line, Northerly 295 feet, more or less, to a line that is parallel with and 445.00 feet northerly of the southerly line of said Lot 8 (Assessor's Map 06.11.36);
202. Thence along said parallel line, Easterly 295 feet, more or less, to a line that is parallel with and 349.00 feet easterly of the westerly line of said Lot 8 (Assessor's Map 06.11.36);
203. Thence along said parallel line, Southerly 295 feet, more or less, to a line that is parallel with and 150.00 feet northerly of the southerly line of said Lot 8 (Assessor's Map 06.11.36);

204. Thence along said parallel line, Westerly 295 feet, more or less, to the True Point of Beginning.

The above described tract of land contains 501.6 acres, more or less.

6/24/2020



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
OREGON

LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT: COVER SHEET

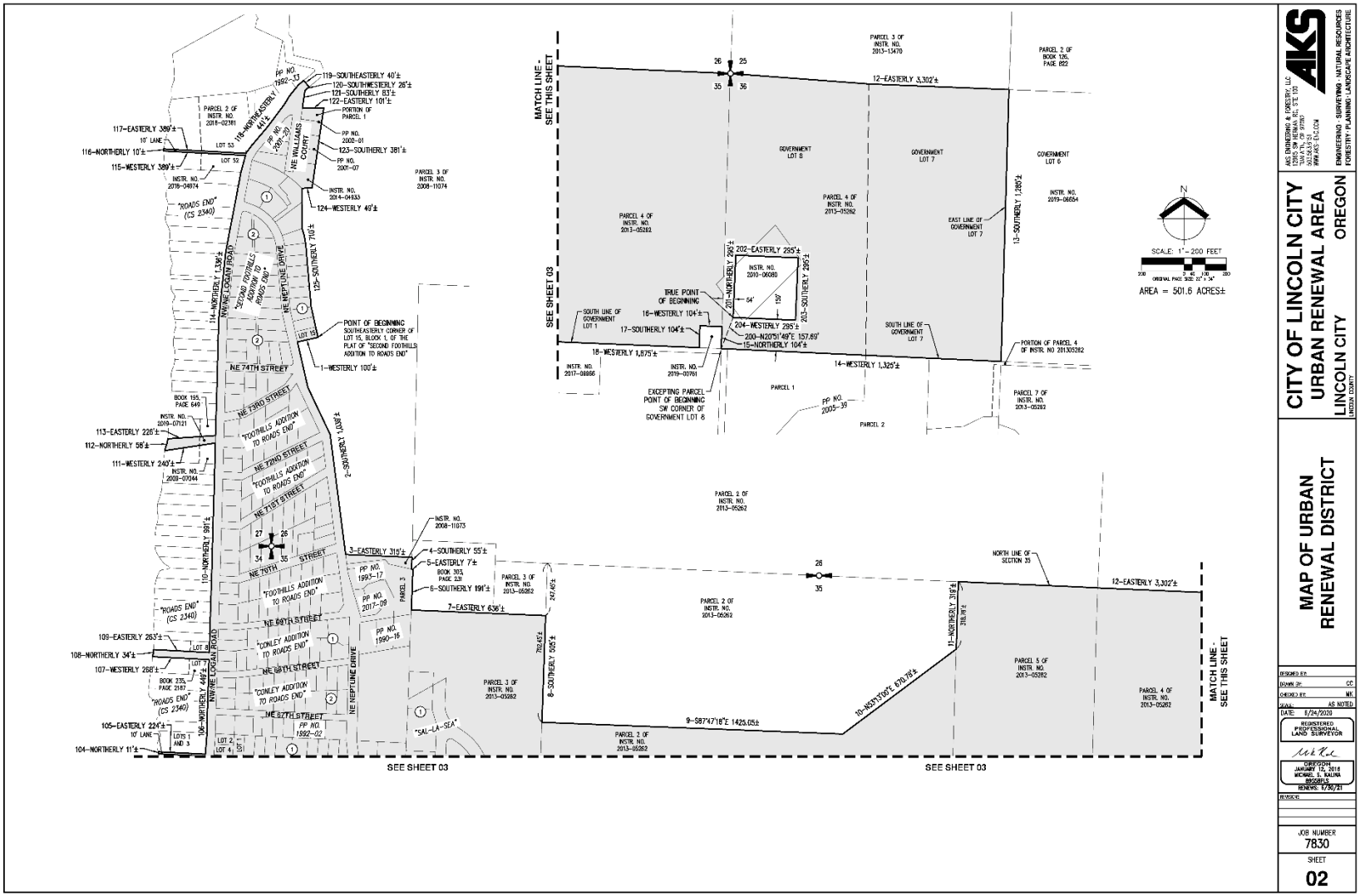
DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 12, 2010
MICHAEL S. KALINA
89308LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER
7830

SHEET
01



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OREGON
LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT

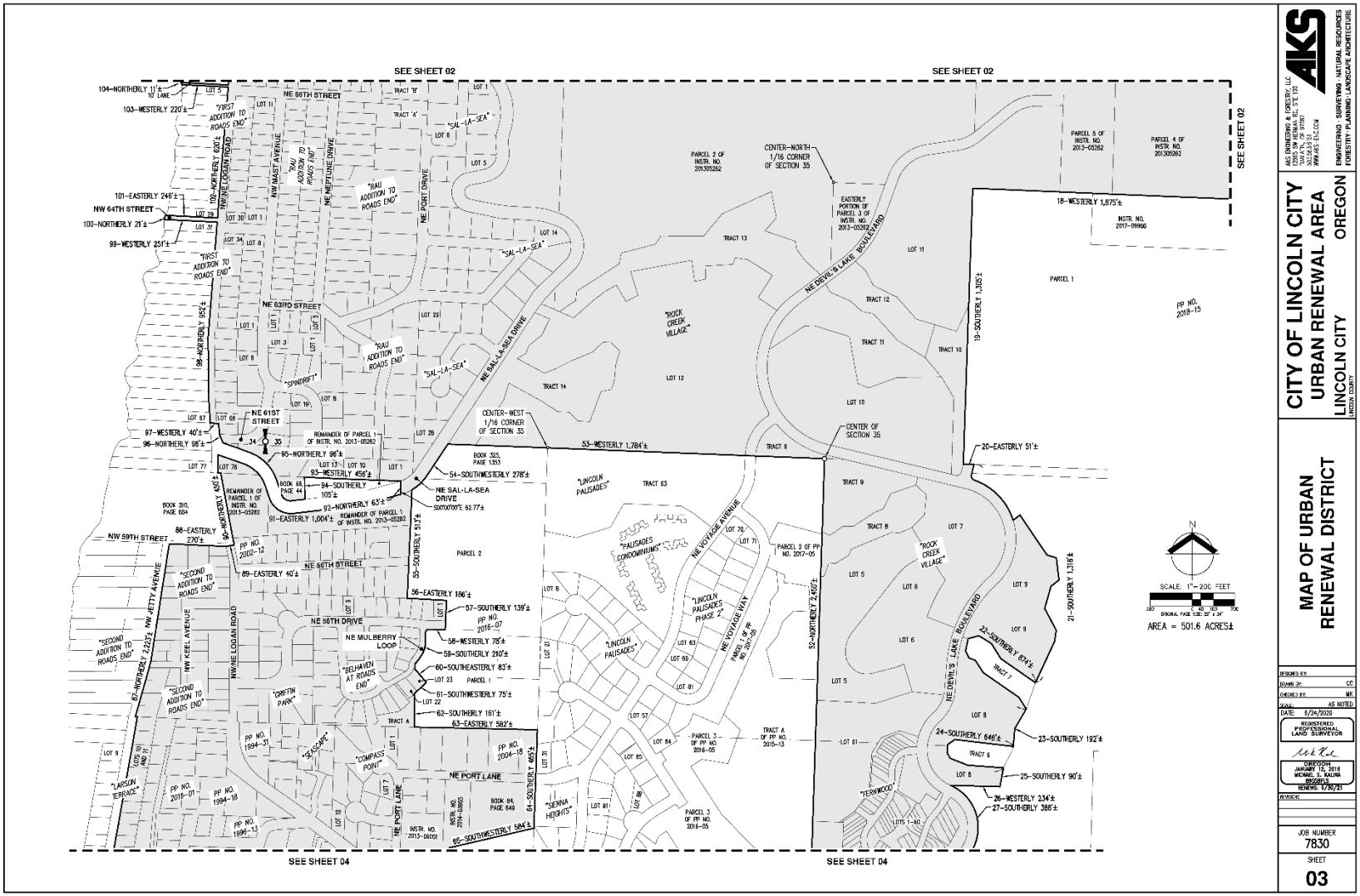
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CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 89308LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER 7830

SHEET 02



AKS ENGINEERING & FORESTRY, LLC
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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
OREGON

LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT

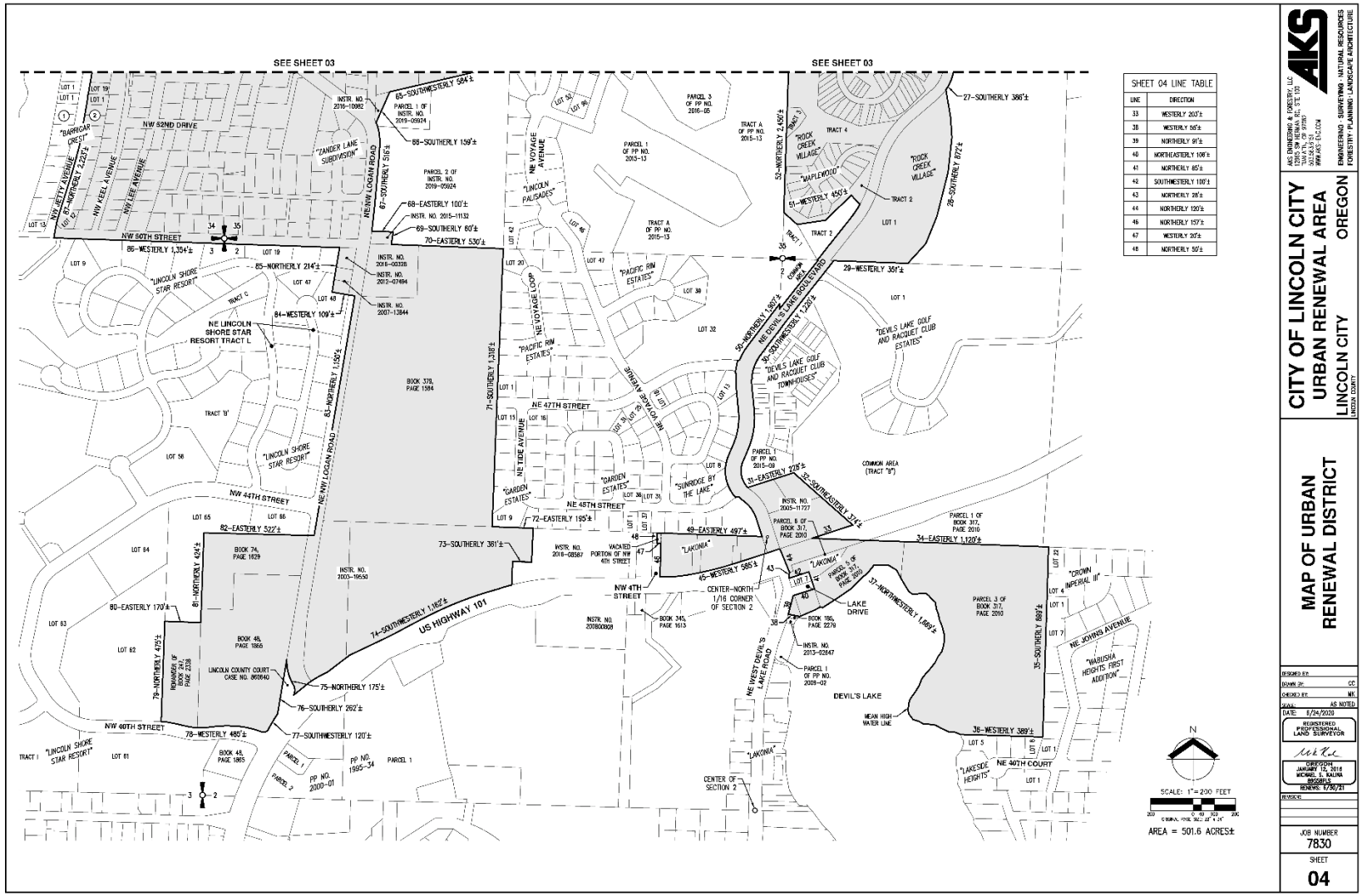
DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 65008LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER 7830

SHEET 03



AKS ENGINEERING & FORESTRY, LLC
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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
OREGON

LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN
RENEWAL DISTRICT

DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 89008LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER
7830

SHEET
04

Report Accompanying the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

DRAFT

Roads End/Villages at Cascade Head Urban Renewal Tax Increment Finance Plan

Adopted by the City of Lincoln City

DATE

Ordinance No. ___

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LIST OF PARTICIPANTS

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
Diane Kusz, Ward 2
Judy R. Caper, Ward 3
Rick Mark, Ward 3

Planning Commission
Marci Baker
Miles Schlesinger
Lenny Nelson
Joshua Brainerd
Kim Blackerby
Patti Kroen

Urban Renewal Agency
Diana Hinton, Chair
Mitch Parsons, Vice Chair
Dick Anderson
Judy R. Casper
Dennis “Riley” Hoagland
Diane Kusz
Rick Mark

City Manager
Ron Chandler

Economic Development And Urban Renewal Director
Alison Robertson

Economic Development Coordinator
Jodi Mescher

Administrative Coordinator
Pam Wiren

GIS Coordinator
Sandy Gruber

Finance Director
Debbie Bridges

Public Works Director
Lila Bradley

Public Works City Engineer
Sephanie Reid

Parks And Recreation Director
Jeanne Sprague

Planning and Community Develoment Director
Anne Marie Skinner

Urban Renewal Advisory Committee
Dick Anderson – Mayor, City of Lincoln City
Laurel Barton – Community Member
Pamela Barlow-Lind – Tribal Planner, Confederated Tribes of Siletz Indians
Debbie Bridges – Finance Director, City of Lincoln City
Ronald Chandler – City Manager, City of Lincoln City
Chief Rob Dahlman – Fire Chief, North Lincoln Fire& Rescue District #1
Dr. Karen Gray – Superintendent, Lincoln County School District
Diana Hinton – UR Agency Chair, City of Lincoln City
Kaety Jacobson – County Commissioner, Lincoln County Board of Commissioners
Janet Knipe – Community Member
Patti Kroen – Chair, Lincoln City Planning Commission

Tax Increment Plan Consulting Team
Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC
Nick Popenuk
Ali Danko
Rob Wyman

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I. DEFINITIONS

"Agency" means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

"Annual report" is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

"Area" or "urban renewal area" or "TIF Area" means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

"Blight" is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

"Board of Commissioners" means the Lincoln County Board of Commissioners.

"City" means the City of Lincoln City, Oregon.

"City Council" or "Council" means the Lincoln City City Council.

"Comprehensive Plan" means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

"County" means Lincoln County, Oregon.

"Fiscal year" means the year commencing on July 1 and closing on June 30.

"Frozen base" means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

"Increment" means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

"Maximum indebtedness" means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

"Municipality" means any county or any city in the state of Oregon.

"ORS" means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

"Planning Commission" means the Lincoln City Planning Commission.

"Project(s)" or "TIF Project(s)" means any work or undertaking carried out under the TIF Plan.

"Report Accompanying TIF Plan" or "Report" means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

This Report on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Report) contains background information and project details that pertain to the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the Lincoln City City Council (City Council) as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.085(3), including financial feasibility. The Report contains the information required by ORS 457.085, including:

- A description of the physical, social, and economic conditions in the area;(ORS 457.085(3)(a))
- Expected impact of the Plan, including fiscal impact in light of increased services; (ORS 457.085(3)(a))
- Reasons for selection of the Area; (ORS 457.085(3)(b))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.085(3)(c))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.085(3)(d))
- The estimated completion date of each project; (ORS 457.085(3)(e))
- The estimated amount of funds required in the area and the anticipated year in which the debt will be retired; (ORS 457.085(3)(f))
- A financial analysis of the Plan; (ORS 457.085(3)(g))
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the urban renewal or TIF Area; (ORS 457.085(3)(h)) and
- A relocation report. (ORS 457.085(3)(i))

The relationship of the sections of the Report and the ORS 457.085(3) requirements is shown in Table 1. The specific reference in the table below is the section of this Report that most addresses the statute. There may be other sections of the Report that also address the statute.

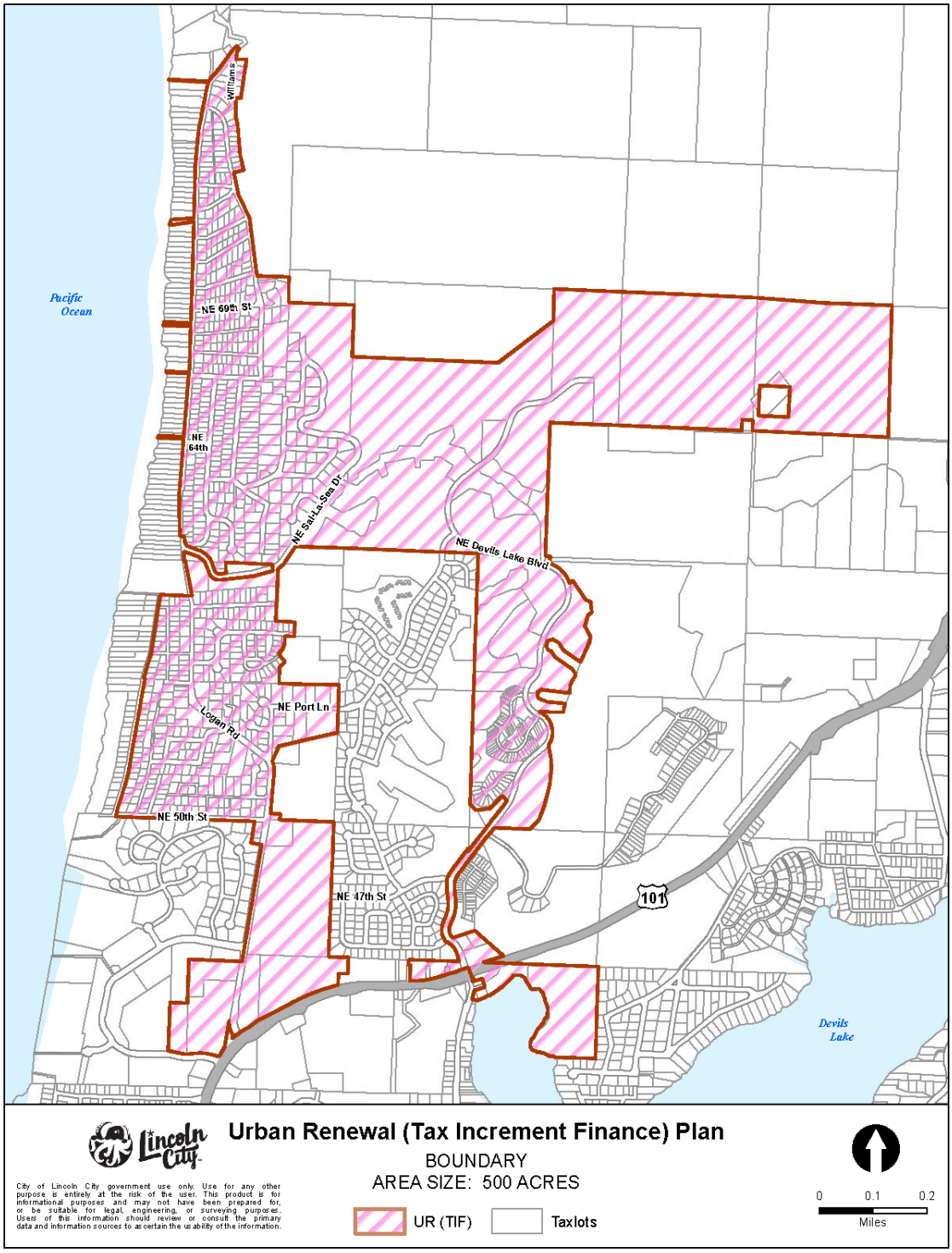
Table 1 - Statutory References

Statutory Requirement	Report Section
ORS 457.085(3)(a)	XI
ORS 457.085(3)(b)	XII
ORS 457.085(3)(c)	III
ORS 457.085(3)(d)	IV
ORS 457.085(3)(e)	VII
ORS 457.085(3)(f)	V,VI
ORS 457.085(3)(g)	V,VI
ORS 457.085(3)(h)	IX
ORS 457.085(3)(i)	XIII

The Report provides guidance on how the Plan might be implemented. The Lincoln City Urban Renewal Agency (Agency) has the authority to make adjustments to the implementation assumptions in this Report, as it reviews revenues and potential projects each year. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan. These adjustments must stay within the confines of the overall maximum indebtedness of the Plan and statutory limitations.

Note on language: This Report, wherever applicable and permissible, uses the term Tax Increment Financing or TIF rather than “urban renewal”. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Report.

Figure 1 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Boundary



Source: City of Lincoln City GIS

III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL (TIF) AREA PROJECTS AND THE EXISTING CONDITIONS IN THE AREA.

The Projects identified and authorized for the Area are described below, including how they relate to the existing conditions in the Area. The existing conditions were identified by City staff and through review of City documents.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.

  Existing Conditions:
  There is presently a limited transportation network from Roads End to the Villages at Cascade Head. The area can be reached through NE Sal La Sea Drive. There is a need for an extended transportation network in the Area.

- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.

  Existing Conditions:
  Safety improvements to Logan Road/NE Port Lane were identified in the Transportation System Plan (TSP) and this project is on page 28 project D2.

- Safety improvements including but not limited to
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies

  Existing Conditions:
  Logan Road has inadequate pedestrian striping between 50th Street and Roads End State Park. There is a 250 foot sidewalk gap on the west side of NW Logan Road between Highway 101 and NW 50th Street. There are sidewalk/pathway deficiencies along the north side of Highway 101 from NE West Devils Lake Road to NW Logan Road, including the 350 feet segment on the east side of Logan Road at the Highway 101 intersection.

- Improved public parking on and off-street; could include Sal-La-Sea Drive second parking lot.

  Existing Conditions:
  There is no parking lot on Sal-La-Sea Drive. There is need for additional parking resources.

- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvements include but are not limited to sidewalks/pathways.

Existing Conditions:
This section of roadway does not exist. The road presently ends just west of NE Tide Avenue. There are no sidewalks/pathways in this Area. The Area lacks an adequate transportation network and safety for pedestrians and bicyclists.

- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works

  Existing Conditions:
  There are existing traffic signals at these locations, but they do not provide adequate pedestrian safety. They do not have coordinated signal timing, upgraded controllers nor communication.

- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects

  Existing Conditions:

  Existing transportation infrastructure that residents use on a daily basis includes sidewalks, bike lanes, shared-use paths, roadways, and transit. Outside of areas in southern Lincoln City, sidewalks along Highway 101 are discontinuous or absent. Off of Highway 101, continuous sidewalks are rare.

- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

  Existing Conditions:

  There is no bus system for recreation areas. There is not a Park and Ride in the North End.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to economic development toolbox, land acquisition, construction of visitor and educational facilities, work force housing, and child care facilities in support of City efforts and construction of visitor and educational facilities.

  Existing Conditions:

There is significant undeveloped land in the Villages at Cascade Head master plan community. Much of this land is not contributing to the property tax rolls. Development of this property will add to the community livability by providing services and also provide additional housing opportunities in the Area.

C. Parks and Open Space

- Improved access to trail heads and parking for recreation partner trails.

  Existing Conditions:
  The Knoll is an Open Space feature and focal point of the Villages at Cascade Head master plan community. 360 acres of the Villages at Cascade Head master plan community are owned by the City. Except for Open Space, the City expects that most of the Villages will develop with residential and commercial uses. The area has many natural amenities. The topography of the Villages ranges from steep slopes to low drainage ways and wetlands. The pristine area of upland forest, stream valleys, and wetlands provides a stunning addition to the Lincoln City inventory. At its topographic apex, sweeping views to the south over the city, Pacific Ocean, and Devils Lake will be a compelling area for visitors and residents alike. There are opportunities to add trails, trail heads, interpretive areas, nature play and other recreational activities suited to large nature areas. The specific challenges in this area are:

  - Steep topography, wetlands, and high natural resource values will limit development.
  - Installing a road network and fire, water, and sewer service infrastructure will increase costs for parks that precede adjacent development.[1]

- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

  Existing Conditions:
  Improved access to pathways, sidewalks, trail connections neighborhood and community parks, ocean beaches and natural areas is a component of the *Lincoln City Parks and Recreation System Plan*. There are deficiencies in these connections throughout the Area as identified on pages 22,27,37,38, and 39.

- The Villages Neighborhood Park A

[1] *Lincoln City Parks & Recreation System Plan* 2016, p 11

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Existing Conditions:
The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Community Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101

  Existing Conditions:
  This project is identified in the Transportation System Plan, page 38. There are presently gaps in the Head to Bay Trail along the west side of NE West Devils Lake Road between NE 26th Street and NE Port Avenue.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and man-built systems so as to protect the integrity of the drainage system.

  Existing Conditions:

There is no Storm Drainage Master Plan for the Area. There are known issues of flooding during storm activity and known natural drainage issues. These need to be identified through a study and mitigated through identified projects.

- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.

  Existing Conditions:
  Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth. There are a total of 3 culverts – two under Logan Rd, one on top of the other, and a second location under the unpermitted road that connects to Sal La Sea. The second culvert location under the unpermitted gravel road should be removed.[2]

- Public utility improvements to include but not limited to power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

  Existing Conditions:
  There are locations in the Area, specifically along Devils Lake Boulevard, that do not have full public utility service.

- Improved infrastructure to support long-range water security for Area.

  Existing Conditions:

  There is no Storm Drainage Master Plan for the Area. There is a need to provide services for new and existing development.

- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

  Existing Conditions:
  Existing water, sanitary sewer and storm lines in the Roads End/Villages at Cascade Head area are in fair condition and many approaching excepted lifespan or are lacking.

- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

  Existing Conditions:
  The sewer pump station for Roads End North and Neotsu needs pipes to be 1 meter each. This project is identified in City long-term capital plans.

- Improve water line from 69th Street to Williams Court and providing sewer

[2] Email from Stephanie Reid, PE City Engineer on October 14, 2019

lines to unsewered areas.

Existing Conditions:
There are unsewered areas where public sewer needs to be provided. There are approximately 950 feet of 2-inch water distribution pipe line with 6-inch diameter pipe line in the Roads End area. The 2-inch diameter pipe is undersized to serve the existing domestic water needs and is inadequate to provide fire flows to the area.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrians.

  Existing Conditions:
  Wayfinding signage is incomplete in the Area. Wayfinding Signage is identified in the Transportation System Plan on page 7, objective 2d. It is also identified as a project in Table I: Install wayfinding signage to assist pedestrians and bicyclists in choosing comfortable routes and to help visitors navigate through the city.

- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

  Existing Conditions:
  Most utility poles in the Area are above ground.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

Existing Conditions:
The *Lincoln City Emergency Operations Plan*[3] was adopted in March of 2012 and updated in 2018. As part of this planning, and future planning and updating, capital projects will be warranted to assist in emergency preparedness. Those specific projects are not presently identified, but it is anticipated over the life of this Plan that there will be capital project needs in the future.

G. Plan Administration

Provide for the administration of the Plan. Examples of eligible projects include:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

Existing Conditions:
There is no existing urban renewal area in the Roads End/Villages at Cascade Head Area, therefore no ability to collect tax increment revenues. Once this Plan is adopted, a tax increment revenue stream will be established, providing a revenue source to pay for administration in the Area.

[3] *City of Lincoln City, Lincoln County, Oregon Emergency Operations Plan*, Ecology and Environment, Inc., March 2012, with modifications February 2018.

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The cost estimates for Projects are shown are in Table 2 below. These are all estimates acknowledging that the Area portions of these project activities must fit within the maximum indebtedness. These costs are shown in year of expenditure (YOE) dollars, which assumes inflation of 3.0% annually.

The Plan assumes that the Agency will use other funds to assist in the completion of the projects within the Area. These sources include but are not limited to City of Lincoln City General Funds, SDCs, local, state and federal grants, and other sources as identified by the Agency. The Agency may pursue regional, county, state, and federal funding, private developer contributions and any other sources of funding that may assist in the implementation of the projects.

The Agency will be able to review and update fund expenditures and allocations on an annual basis when the annual budget is prepared. It is anticipated that the Agency will conduct a Community Vision exercise for the Area that will establish priorities once sufficient funding is available.

Table 2 - Estimated Cost of Each Project

Project Title	Project Cost (YOE$)	Percentage of Total Project Cost
Transportation	$39,069,795	44.89%
Economic Development	$17,230,090	19.80%
Parks/Trails/Open Space	$8,723,501	10.02%
Public Works/Utilities	$5,081,677	5.84%
Community Connections/Appearance	$3,514,863	4.04%
Emergency Preparedness	$1,693,931	1.95%
Plan Administration [4]	$11,728,708	13.47%
TOTAL:	$87,042,561	100.00%

Source: City of Lincoln City and Tiberius Solutions

[4] Plan Administration includes $566,000 of financing fees and $422,063 for Planning and Community Involvement including Community Visioning

V. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2048 are calculated based on projections of the growth assessed value of existing property and new development within the Area, and the consolidated tax rate that will apply to the Area.

The rate of growth for existing development was projected to be 3%. Table 3 shows the assumptions used for new development in the Area and when that new development is expected to go on the tax rolls. These are assumptions of development; however, market conditions may change these assumptions.

Table 3 – Incremental Assessed Value Growth Assumptions

FYE	Phase I Residential	Phase 1 Commercial	Phase 2	Total AV 2020$
2024	1,200,000	5,661,262		
2025	1,200,000	5,661,262		7,242,033
2026	1,200,000			7,242,033
2027	1,200,000			1,236,000
2028	1,200,000		9,200,000	1,236,000
2029	1,200,000		9,200,000	10,712,000
2030	1,200,000		9,200,000	10,712,000
2031	1,200,000		9,200,000	10,712,000
2032	1,200,000		9,200,000	10,712,000
2033	1,200,000		9,200,000	10,712,000
2034	1,200,000		9,200,000	10,712,000
2035			9,200,000	9,476,000
2036			9,200,000	9,476,000
2037			9,200,000	9,476,000
2038			9,200,000	9,476,000
2039			9,200,000	9,476,000
2040			9,200,000	9,476,000
2041			9,200,000	9,476,000
2042			9,200,000	9,476,000
2043			9,200,000	9,476,000
2044			9,200,000	9,476,000
2045			9,200,000	9,476,000
2046			9,200,000	9,476,000
2047			9,200,000	9,476,000

Source: City of Lincoln City and Tiberius Solutions

These projections of growth are the basis for the projections in Table 8, Table 9, Table 10 and Table 11.

The first year of tax increment collections is anticipated to be FYE 2022. Gross TIF[5] is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand." The consolidated tax rate includes permanent tax rates only, and excludes general obligation bonds and local option levies, which will not be impacted by this Plan.

The tax rates in the Area are shown in Table 4.

Table 4 – Taxing District Rates

	Tax Code	Tax Code	Tax Code	Tax Code	Tax Code	Tax Code
Taxing District	**402 412**	**407 416**	**408**	**410**	**414**	**473**
Jurisdiction Name	Rate	Rate	Rate	Rate	Rate	Rate
Lincoln County General	2.8202	1.1124	2.8202	2.8202	2.8202	2.8202
Lincoln County Animal Services	0.1100	5.6335	0.1100	0.1100	0.1100	0.1100
Lincoln County Extension	0.0451	-	0.0451	0.0451	0.0451	0.0451
Lincoln County Transport	0.0974	0.0600	0.0974	0.0974	0.0974	0.0974
City of Lincoln City	4.0996	6.8059	4.0996	4.0996	4.0996	4.0996
Road - Lake Point	-	0.5296	0.4669	-	-	-
Lincoln Fire & Rescue #1	0.6783	4.0815	0.6783	0.6783	-	-
Water - Dev Lake In	-	0.4551	0.2499	-	-	-
North Lincoln Health	0.5184	5.0662	0.5184	0.5184	0.5184	0.5184
Water - Dev Lake Out	0.1280	-	-	-	0.1280	
Lincoln County School	4.9092	4.9092	4.9092	4.9092	4.9092	4.9092
Oregon Coast Comm. College	0.1757	0.1757	0.1757	0.1757	0.1757	0.1757
ESD Linn-Benton	0.3049	0.3049	0.3049	0.3049	0.3049	0.3049
TOTAL:	13.8868	14.0087	14.4756	13.7588	13.2085	13.0805

Source: Lincoln County Assessor and Tiberius Solutions

Table 5 shows the incremental assessed value, tax rates and tax increment revenues each year, adjusted for discounts, and delinquencies, truncation loss, and receipt of delinquent taxes from prior years. The projections assume an annual growth rate of 3.0% for assessed value in the Area plus new development as shown in Table 3. Table 5 also indicates the mandatory revenue sharing as directed by the City Council and incorporated as a provision of the Plan. The revenue sharing is either 15% of the total assessed value increases including both increases on existing property and increases due to new development or revenue sharing as dictated by ORS 457.470, whichever is higher. Figure 2 shows expected TIF revenues over time, the expected revenue sharing and the projected tax revenues after termination of the Area.

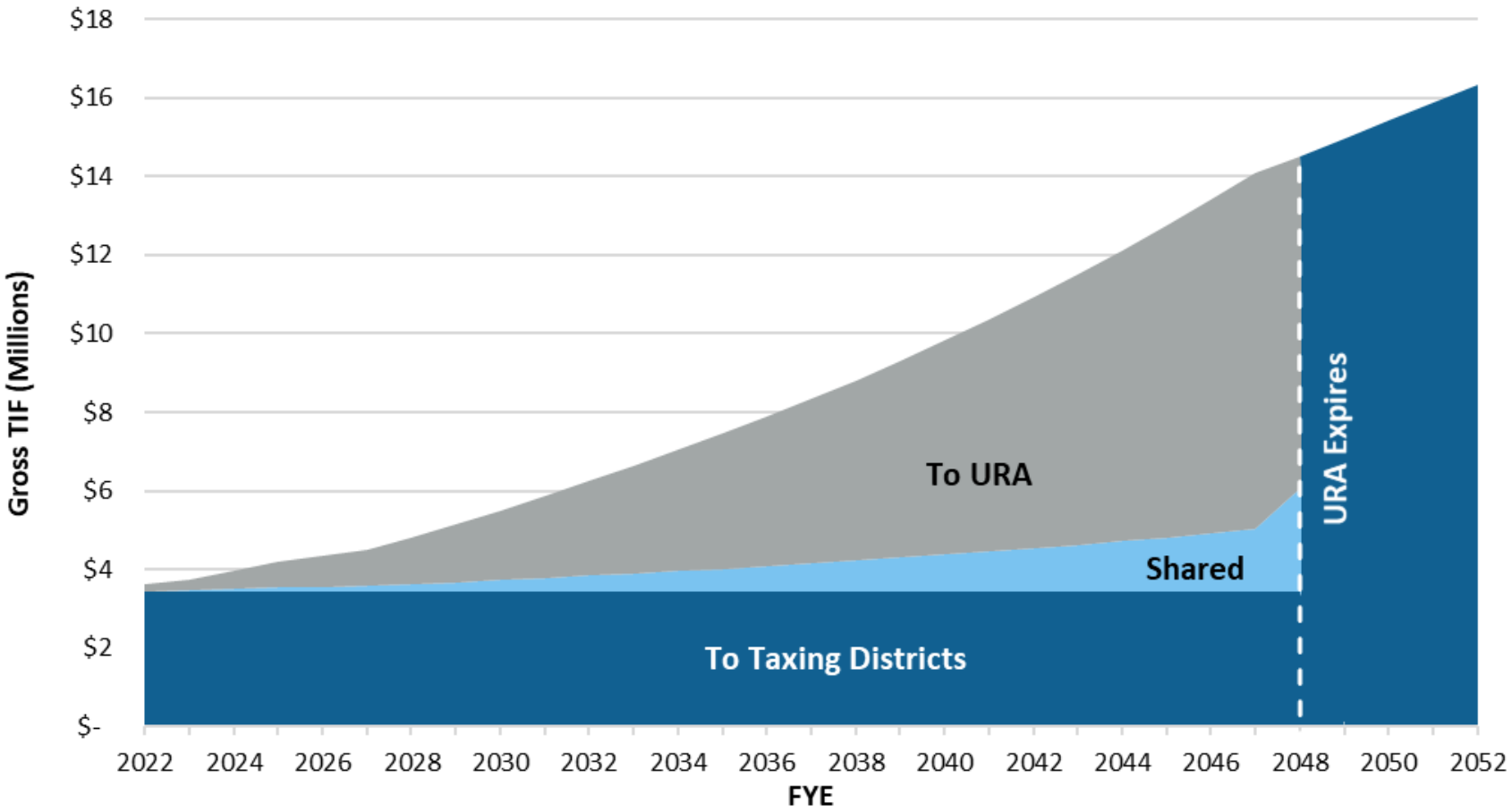
[5] TIF is also used to signify tax increment revenues

Table 5 - Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Total AV	Frozen Base AV	Increment Applied	Increment Shared	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2022	263,090,114	248,091,196	12,749,104	2,249,814	13.7660	175,504	(8,775)	166,729	-	166,729
2023	270,928,713	248,091,196	19,411,909	3,425,608	13.7660	267,225	(13,361)	253,864	2,501	256,365
2024	287,153,375	248,091,196	33,202,877	5,859,302	13.7661	457,076	(22,854)	434,222	3,808	438,030
2025	304,109,560	248,091,196	47,615,609	8,402,755	13.7662	655,486	(32,774)	622,712	6,513	629,225
2026	314,654,649	248,091,196	56,578,917	9,984,536	13.7662	778,876	(38,944)	739,932	9,341	749,273
2027	325,560,339	248,091,196	65,848,782	11,620,361	13.7662	906,486	(45,324)	861,162	11,099	872,261
2028	348,843,005	248,091,196	85,639,026	15,112,783	13.7662	1,178,926	(58,946)	1,119,980	12,917	1,132,897
2029	373,231,207	248,091,196	106,369,041	18,770,970	13.7663	1,464,304	(73,215)	1,391,088	16,800	1,407,888
2030	398,769,894	248,091,196	128,076,875	22,601,823	13.7663	1,763,142	(88,157)	1,674,985	20,866	1,695,851
2031	425,506,436	248,091,196	150,802,925	26,612,315	13.7663	2,075,998	(103,800)	1,972,198	25,125	1,997,323
2032	453,489,622	248,091,196	174,588,643	30,809,783	13.7663	2,403,441	(120,172)	2,283,269	29,583	2,312,852
2033	482,770,775	248,091,196	199,477,651	35,201,928	13.7663	2,746,073	(137,304)	2,608,770	34,249	2,643,019
2034	511,533,190	248,091,196	223,925,717	39,516,277	13.7663	3,082,635	(154,132)	2,928,503	39,132	2,967,635
2035	541,588,688	248,091,196	249,472,843	44,024,649	13.7663	3,434,326	(171,716)	3,262,610	43,928	3,306,538
2036	572,988,381	248,091,196	276,162,588	48,734,597	13.7663	3,801,748	(190,087)	3,611,660	48,939	3,660,600
2037	605,785,858	248,091,196	304,040,476	53,654,186	13.7663	4,185,526	(209,276)	3,976,250	54,175	4,030,425
2038	640,037,271	248,091,196	333,154,162	58,791,913	13.7663	4,586,317	(229,316)	4,357,001	59,644	4,416,644
2039	675,800,450	248,091,196	363,552,831	64,156,423	13.7664	5,004,797	(250,240)	4,754,557	65,355	4,819,912
2040	713,134,961	248,091,196	395,287,187	69,756,578	13.7664	5,441,665	(272,083)	5,169,582	71,318	5,240,900
2041	752,103,107	248,091,196	428,410,089	75,601,822	13.7664	5,897,648	(294,882)	5,602,766	77,544	5,680,309
2042	792,769,059	248,091,196	462,976,193	81,701,670	13.7664	6,373,499	(318,675)	6,054,824	84,041	6,138,866
2043	835,199,857	248,091,196	499,042,370	88,066,291	13.7664	6,870,001	(343,500)	6,526,501	90,822	6,617,323
2044	879,464,560	248,091,196	536,667,363	94,706,001	13.7664	7,387,962	(369,398)	7,018,564	97,898	7,116,462
2045	925,635,240	248,091,196	575,912,421	101,631,623	13.7664	7,928,226	(396,411)	7,531,815	105,278	7,637,093
2046	973,786,134	248,091,196	616,840,666	108,854,272	13.7664	8,491,662	(424,583)	8,067,078	112,977	8,180,056
2047	1,023,994,648	248,091,196	659,517,957	116,385,495	13.7664	9,079,175	(453,959)	8,625,216	121,006	8,746,222
2048	1,054,660,381	248,091,196	613,972,421	192,596,763	13.7664	8,452,176	(422,609)	8,029,567	129,378	8,158,945
TOTAL:						104,889,899	(5,244,493)	99,645,404	1,374,238	101,019,642

Source: Tiberius Solutions

Figure 2 - TIF Projections over Time



Source: Tiberius Solutions

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 6 shows a summary of the financial capacity of the Area, including how the total TIF revenue translates to the ability to fund projects in constant FYE 2020 dollars in five-year increments. Table 8, Table 9, Table 10, and Table 11 show more detailed tables on the allocation of tax revenues over time.

The Plan is structured to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year duration for the Plan. The time frame of the Plan is not absolute; it may vary depending on the actual ability to meet the maximum indebtedness. If the economy is slower, it may take longer; if the economy is more robust than the projections, it may take a shorter time period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is $87,100,000 (eighty-seven million one hundred thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of $87,100,000 is $101,019,642 which includes expected interest on debt and financing fees and is from the division of taxes from permanent rate levies.

Table 6 - TIF Capacity of the Area

Net TIF (YOE$)	$ 101,020,000
Maximum Indebtedness (YOE$)	$ 87,100,000
Dollars for Projects (2020$)	$ 52,200,000
Years 1-5	$ 5,560,000
Years 6-10	$ 7,670,000
Years 11-15	$ 10,730,000
Years 16-20	$ 11,150,000
Years 21-25	$ 16,920,000

Source: Tiberius Solutions

The financial analysis projects when borrowings might occur as identified in Table 7. The Agency may decide to complete borrowings at different times or for different amounts, depending on their analysis at the time. The table below summarizes the principal amounts of the projected borrowings for the Area. The total amounts, including interest, are shown in the second column of Table 8. There may be opportunities for the City/Agency to accelerate the timing of financial capacity in the early years. For example, the City/Agency may find lenders willing to offer more attractive terms, such as lower interest rates, lower required minimum debt service coverage ratios, or a longer amortization period. Additionally, the City/Agency could explore short-term, interim financing strategies, such as a line of credit with interest only payments. Any line of credit would need to be repaid in full after an agreed upon term, most likely through a longer-term borrowing like the ones shown in this analysis. The success of these financial strategies will depend upon market conditions, and the specific terms and conditions that lenders are willing to offer to the City/Agency.

Table 7 - Estimated Borrowings and Amounts

	Loan A	Loan B	Loan C	Loan D
Principal Amount	5,100,000	6,400,000	8,800,000	8,000,000
Interest Rate	5 %	5 %	5 %	5 %
Loan Term	20	20	16	12
Loan Year	2025	2029	2033	2037
Annual Payment	($409,237)	($513,553)	($811,975)	($902,603)

Source: Tiberius Solutions

Table 8 - Tax Increment Revenues and Allocations to Debt Service, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
Resources								
Beginning Balance		-	-	-	-	-	-	-
TIF: Current Year	99,645,404	166,729	253,864	434,222	622,712	739,932	861,162	1,119,980
TIF: Prior Years	1,374,238	-	2,501	3,808	6,513	9,341	11,099	12,917
Total Resources	101,019,642	166,729	256,365	438,030	629,225	749,273	872,261	1,132,897
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(8,184,744)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(10,271,051)	-	-	-	-	-	-	-
Loan C	(12,991,603)	-	-	-	-	-	-	-
Loan D	(10,831,239)	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Total Debt Service	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Debt Service Coverage Ratio	.00	.00	.00	.00	1.52	1.81	2.10	2.74
Transfer to URA Projects Fund	(58,741,005)	(166,729)	(256,365)	(438,030)	(219,988)	(340,036)	(463,024)	(723,660)
Total Expenditures	(101,019,642)	(166,729)	(256,365)	(438,030)	(629,225)	(749,273)	(872,261)	(1,132,897)

Source: Tiberius Solutions

Table 9 - Tax Increment Revenues and Allocations to Debt Service, Page 2

	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	1,391,088	1,674,985	1,972,198	2,283,269	2,608,770	2,928,503	3,262,610	3,611,660
TIF: Prior Years	16,800	20,866	25,125	29,583	34,249	39,132	43,928	48,939
Total Resources	1,407,888	1,695,851	1,997,323	2,312,852	2,643,019	2,967,635	3,306,538	3,660,600
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	-	-	-	-	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	-	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Total Debt Service	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Debt Service Coverage Ratio	1.51	1.82	2.14	2.47	1.50	1.69	1.88	2.08
Transfer to URA Projects Fund	(485,098)	(773,061)	(1,074,533)	(1,390,062)	(908,254)	(1,232,870)	(1,571,773)	(1,925,835)
Total Expenditures	(1,407,888)	(1,695,851)	(1,997,323)	(2,312,852)	(2,643,019)	(2,967,635)	(3,306,538)	(3,660,600)

Source: Tiberius Solutions

Table 10 - Tax Increment Revenues and Allocations to Debt Service, Page 3

	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	3,976,250	4,357,001	4,754,557	5,169,582	5,602,766	6,054,824	6,526,501	7,018,564
TIF: Prior Years	54,175	59,644	65,355	71,318	77,544	84,041	90,822	97,898
Total Resources	4,030,425	4,416,644	4,819,912	5,240,900	5,680,309	6,138,866	6,617,323	7,116,462
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Total Debt Service	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Debt Service Coverage Ratio	1.51	1.65	1.80	1.96	2.12	2.30	2.47	2.66
Transfer to URA Projects Fund	(1,393,056)	(1,779,276)	(2,182,544)	(2,603,532)	(3,042,941)	(3,501,498)	(3,979,955)	(4,479,093)
Total Expenditures	(4,030,425)	(4,416,644)	(4,819,912)	(5,240,900)	(5,680,309)	(6,138,866)	(6,617,323)	(7,116,462)

Source: Tiberius Solutions

Table 11 - Tax Increment Revenues and Allocations to Debt Service, Page 4

	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources				
Beginning Balance	-	-	-	-
TIF: Current Year	7,531,815	8,067,078	8,625,216	8,029,567
TIF: Prior Years	105,278	112,977	121,006	129,378
Total Resources	7,637,093	8,180,056	8,746,222	8,158,945
Expenditures				
Debt Service				
Scheduled Payments				
Loan A	-	-	-	-
Loan B	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Total Debt Service	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Debt Service Coverage Ratio	3.38	3.62	3.87	3.60
Transfer to URA Projects Fund	(5,408,962)	(5,951,925)	(6,518,091)	(5,930,814)
Total Expenditures	(7,637,093)	(8,180,056)	(8,746,222)	(8,158,945)

Source: Tiberius Solutions

VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency. The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan.

The initial project identified for completion is Community Visioning. Through the Community Visioning process, projects will be further defined and prioritized as funds are accrued. For the purposes of the following tables, funding was allocated annually according to total allocations as divided over the life of the Area. These allocations will change as the Community Visioning is completed. Funds not used in the Community Visioning may be carried forward for other projects or used for further Community Visioning activities.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year program.

The amount of money available for projects in FYE 2020 constant dollars for the Area is $51,801,140. This translates to $87,042,561 in year of expenditure dollars.

Table 12, Table 13, Table 14, and Table 15 show the $51,801,140 of project costs in FYE 2020 dollars inflated over the life of the Area, including administrative expenses. All costs shown in Table 12, Table 13, Table 14 and Table 15 are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation. Annual expenditures for program administration are also shown. These are predicated on the fact that the Area activities will start off slowly in the beginning years and increase in the final years.

A 3.0% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.

Table 12 - Programs and Costs in Year of Expenditure Dollars, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027
Resources							
Beginning Balance		-	81,857	229,361	35	20	42
Interest Earnings	1,556	-	409	1,147	-	-	-
Transfer from TIF Fund	58,741,005	166,729	256,365	438,030	219,988	340,036	463,024
Bond/Loan Proceeds	28,300,000	-	-	-	5,100,000	-	-
Total Resources	87,042,561	166,729	338,631	668,538	5,320,022	340,056	463,066
Expenditures (YOE $)							
Administration	(10,740,645)	(84,872)	(109,270)	(135,060)	(302,432)	(311,511)	(320,850)
Financing Fees	(566,000)				(102,000)		
Planning and Community Involvement	(422,063)			(422,063)			
Economic Development	(17,230,090)			(25,481)	(1,124,567)	(6,520)	(32,531)
Transportation	(39,069,795)			(57,794)	(2,550,019)	(14,807)	(73,769)
Public Utility	(5,081,677)			(7,507)	(331,664)	(1,923)	(9,593)
Parks/Trails/Open Space	(8,723,501)			(12,898)	(569,355)	(3,308)	(16,468)
Community Appearance	(3,514,863)			(5,189)	(229,402)	(1,325)	(6,629)
Emergency Preparedness	(1,693,931)			(2,499)	(110,551)	(633)	(3,198)
Total Expenditures	(87,042,561)	(84,872)	(109,270)	(668,503)	(5,320,002)	(340,014)	(463,039)
Ending Balance		81,857	229,361	35	20	42	27

Source: Tiberius Solutions

Table 13 - Programs and Costs in Year of Expenditure Dollars, Page 2

	FYE 2028	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035
Resources								
Beginning Balance	27	36	37	41	27	25	63	48
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	723,660	485,098	773,061	1,074,533	1,390,062	908,254	1,232,870	1,571,773
Bond/Loan Proceeds	-	6,400,000	-	-	-	8,800,000	-	-
Total Resources	723,687	6,885,134	773,099	1,074,574	1,390,089	9,708,279	1,232,932	1,571,821
Expenditures (YOE $)								
Administration	(330,476)	(340,390)	(350,590)	(361,103)	(371,929)	(383,095)	(394,600)	(406,443)
Financing Fees		(128,000)	-	-	-	(176,000)	-	-
Planning and Community Involvement		-	-	-	-		-	-
Economic Development	(89,955)	(1,468,004)	(96,653)	(163,225)	(232,931)	(2,093,126)	(191,783)	(266,605)
Transportation	(203,980)	(3,328,754)	(219,177)	(370,121)	(528,179)	(4,746,236)	(434,888)	(604,551)
Public Utility	(25,527)	(432,946)	(28,504)	(48,129)	(68,690)	(617,313)	(56,556)	(78,617)
Parks/Trails/Open Space	(45,541)	(743,227)	(48,931)	(82,637)	(117,920)	(1,059,728)	(97,094)	(134,970)
Community Appearance	(18,343)	(299,452)	(19,715)	(33,290)	(47,504)	(426,966)	(39,116)	(54,374)
Emergency Preparedness	(8,842)	(144,311)	(9,501)	(16,043)	(22,897)	(205,766)	(18,847)	(26,206)
Total Expenditures	(723,651)	(6,885,097)	(773,058)	(1,074,547)	(1,390,064)	(9,708,216)	(1,232,884)	(1,571,781)
Ending Balance	36	37	41	27	25	63	48	40

Source: Tiberius Solutions

Table 14 - Programs and Costs in Year of Expenditure Dollars, Page 3

	FYE 2036	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043
Resources								
Beginning Balance	40	51	63	33	76	50	34	59
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	1,925,835	1,393,056	1,779,276	2,182,544	2,603,532	3,042,941	3,501,498	3,979,955
Bond/Loan Proceeds	-	8,000,000	-	-	-	-	-	-
Total Resources	1,925,875	9,393,107	1,779,339	2,182,577	2,603,607	3,042,992	3,501,531	3,980,014
Expenditures (YOE $)								
Administration	(418,626)	(431,174)	(444,114)	(457,444)	(471,166)	(485,306)	(499,863)	(514,863)
Financing Fees	-	(160,000)	-	-	-	-	-	-
Planning and Community Involvement	-	-	-	-	-	-	-	-
Economic Development	(344,818)	(2,013,672)	(305,462)	(394,660)	(487,846)	(585,139)	(686,711)	(792,736)
Transportation	(781,890)	(4,566,091)	(692,655)	(894,916)	(1,106,218)	(1,326,822)	(1,557,138)	(1,797,575)
Public Utility	(101,690)	(593,884)	(90,091)	(116,397)	(143,874)	(172,561)	(202,532)	(233,793)
Parks/Trails/Open Space	(174,575)	(1,019,497)	(154,646)	(199,811)	(246,984)	(296,234)	(347,676)	(401,351)
Community Appearance	(70,334)	(410,770)	(62,308)	(80,503)	(99,516)	(119,357)	(140,067)	(161,697)
Emergency Preparedness	(33,891)	(197,956)	(30,030)	(38,787)	(47,952)	(57,520)	(67,504)	(77,918)
Total Expenditures	(1,925,824)	(9,393,044)	(1,779,306)	(2,182,501)	(2,603,557)	(3,042,958)	(3,501,472)	(3,979,933)
Ending Balance	51	63	33	76	50	34	59	81

Source: Tiberius Solutions

Table 15 - Programs and Costs in Year of Expenditure Dollars, Page 4

	FYE 2044	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources					
Beginning Balance	81	52	70	70	78
Interest Earnings	-	-	-	-	-
Transfer from TIF Fund	4,479,093	5,408,962	5,951,925	6,518,091	5,930,814
Bond/Loan Proceeds	-	-	-		
Total Resources	4,479,175	5,409,014	5,951,995	6,518,161	5,930,893
Expenditures (YOE $)					
Administration	(530,307)	(546,220)	(562,603)	(579,482)	(596,856)
Financing Fees	-				
Planning and Community Involvement	-	-	-	-	-
Economic Development	(903,397)	(1,112,478)	(1,232,971)	(1,358,636)	(1,220,183)
Transportation	(2,048,514)	(2,522,631)	(2,795,795)	(3,080,743)	(2,766,532)
Public Utility	(266,439)	(328,098)	(363,624)	(400,678)	(360,047)
Parks/Trails/Open Space	(457,380)	(563,232)	(624,228)	(687,848)	(617,962)
Community Appearance	(184,273)	(226,926)	(251,503)	(277,129)	(249,175)
Emergency Preparedness	(88,813)	(109,359)	(121,201)	(133,545)	(120,161)
Total Expenditures	(4,479,123)	(5,408,944)	(5,951,925)	(6,518,083)	(5,930,893)
Ending Balance	52	70	70	78	-

Source: Tiberius Solutions

VIII. REVENUE SHARING

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue would go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

Mandatory revenue sharing is defined in ORS 457.470. The statute identifies certain thresholds where the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan (10% of $87,100,000 is $8,710,000). In the year after reaching the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold. The threshold is not projected to be met in the Plan. If actual assessed value growth is higher than projected, revenue sharing could be realized.

The second threshold is when annual tax increment finance revenues exceed 12.5% of the maximum indebtedness ($10,887,500). If this threshold is met, revenue for the Area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts. This threshold is not projected to be met.

IX. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2048 and are shown in Table 16 and Table 17.

The Lincoln County School District and the Linn-Benton-Lincoln Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the Plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 16 and Table 17 show the projected impacts to permanent rate levies of taxing districts as a result of this Plan. Table 16 shows the general government levies, and Table 17 shows the education levies.

Table 16 - Projected Impact on Taxing District Permanent Rate Levies - General Government

FYE	Lincoln County General	Lincoln County Animal Services	Lincoln County Extension	Lincoln County Transport	City of Lincoln City	Lincoln Fire & Rescue #1	Water - Dev Lake In	North Lincoln Health	Water - Dev Lake Out	Subtotal General Government
2022	(34,157)	(1,332)	(546)	(1,180)	(49,653)	(8,050)	(181)	(6,279)	(72)	(101,450)
2023	(52,521)	(2,049)	(840)	(1,814)	(76,347)	(12,377)	(278)	(9,654)	(111)	(155,990)
2024	(89,737)	(3,500)	(1,435)	(3,099)	(130,447)	(21,148)	(478)	(16,495)	(191)	(266,530)
2025	(128,906)	(5,028)	(2,061)	(4,452)	(187,384)	(30,379)	(688)	(23,695)	(274)	(382,868)
2026	(153,499)	(5,987)	(2,455)	(5,301)	(223,135)	(36,175)	(819)	(28,216)	(326)	(455,914)
2027	(178,695)	(6,970)	(2,858)	(6,172)	(259,761)	(42,113)	(953)	(32,847)	(380)	(530,749)
2028	(232,090)	(9,053)	(3,712)	(8,016)	(337,378)	(54,697)	(1,241)	(42,662)	(494)	(689,342)
2029	(288,425)	(11,250)	(4,612)	(9,961)	(419,270)	(67,974)	(1,544)	(53,017)	(615)	(856,668)
2030	(347,417)	(13,551)	(5,556)	(11,999)	(505,025)	(81,878)	(1,861)	(63,861)	(741)	(1,031,888)
2031	(409,177)	(15,960)	(6,543)	(14,132)	(594,802)	(96,433)	(2,194)	(75,214)	(874)	(1,215,328)
2032	(473,817)	(18,481)	(7,577)	(16,364)	(688,766)	(111,667)	(2,542)	(87,095)	(1,012)	(1,407,322)
2033	(541,455)	(21,119)	(8,659)	(18,700)	(787,089)	(127,609)	(2,906)	(99,528)	(1,157)	(1,608,222)
2034	(607,956)	(23,713)	(9,722)	(20,997)	(883,759)	(143,282)	(3,264)	(111,753)	(1,300)	(1,805,745)
2035	(677,384)	(26,421)	(10,833)	(23,395)	(984,684)	(159,644)	(3,637)	(124,515)	(1,449)	(2,011,961)
2036	(749,918)	(29,250)	(11,993)	(25,900)	(1,090,122)	(176,739)	(4,028)	(137,847)	(1,604)	(2,227,401)
2037	(825,681)	(32,205)	(13,204)	(28,516)	(1,200,255)	(194,595)	(4,436)	(151,774)	(1,767)	(2,452,432)
2038	(904,802)	(35,291)	(14,469)	(31,249)	(1,315,271)	(213,242)	(4,862)	(166,318)	(1,936)	(2,687,440)
2039	(987,416)	(38,513)	(15,791)	(34,102)	(1,435,363)	(232,713)	(5,307)	(181,504)	(2,113)	(2,932,821)
2040	(1,073,660)	(41,877)	(17,170)	(37,081)	(1,560,732)	(253,039)	(5,771)	(197,357)	(2,298)	(3,188,984)
2041	(1,163,678)	(45,388)	(18,609)	(40,189)	(1,691,587)	(274,254)	(6,256)	(213,903)	(2,491)	(3,456,357)
2042	(1,257,618)	(49,053)	(20,112)	(43,434)	(1,828,144)	(296,394)	(6,762)	(231,171)	(2,693)	(3,735,380)
2043	(1,355,635)	(52,876)	(21,679)	(46,819)	(1,970,627)	(319,495)	(7,290)	(249,188)	(2,903)	(4,026,513)
2044	(1,457,889)	(56,864)	(23,314)	(50,350)	(2,119,269)	(343,594)	(7,841)	(267,984)	(3,123)	(4,330,230)
2045	(1,564,546)	(61,024)	(25,020)	(54,034)	(2,274,312)	(368,731)	(8,416)	(287,590)	(3,351)	(4,647,025)
2046	(1,675,778)	(65,363)	(26,799)	(57,876)	(2,436,004)	(394,947)	(9,015)	(308,036)	(3,590)	(4,977,407)
2047	(1,791,763)	(69,887)	(28,653)	(61,881)	(2,604,607)	(422,282)	(9,641)	(329,356)	(3,839)	(5,321,910)
2048	(1,671,453)	(65,194)	(26,730)	(57,726)	(2,429,718)	(393,927)	(8,992)	(307,241)	(3,581)	(4,964,562)
TOTAL:	(20,695,072)	(807,197)	(330,951)	(714,736)	(30,083,511)	(4,877,381)	(111,203)	(3,804,101)	(44,287)	(61,468,440)

Source: Tiberius Solutions

Table 17 - Projected Impact on Taxing District Permanent Rate Levies – Education

	Lincoln County School District	Oregon Coast Comm College	ESD Linn-Benton	Subtotal Education	Total General Government and Education
2022	(59,459)	(2,128)	(3,693)	(65,279)	(166,729)
2023	(91,424)	(3,272)	(5,678)	(100,374)	(256,364)
2024	(156,208)	(5,591)	(9,702)	(171,500)	(438,030)
2025	(224,390)	(8,031)	(13,936)	(246,357)	(629,225)
2026	(267,200)	(9,563)	(16,595)	(293,359)	(749,273)
2027	(311,060)	(11,133)	(19,319)	(341,512)	(872,261)
2028	(404,005)	(14,459)	(25,092)	(443,556)	(1,132,897)
2029	(502,069)	(17,969)	(31,182)	(551,220)	(1,407,888)
2030	(604,758)	(21,644)	(37,560)	(663,963)	(1,695,851)
2031	(712,265)	(25,492)	(44,237)	(781,995)	(1,997,323)
2032	(824,786)	(29,519)	(51,226)	(905,530)	(2,312,852)
2033	(942,525)	(33,733)	(58,538)	(1,034,797)	(2,643,019)
2034	(1,058,286)	(37,876)	(65,728)	(1,161,890)	(2,967,634)
2035	(1,179,141)	(42,201)	(73,234)	(1,294,577)	(3,306,538)
2036	(1,305,403)	(46,720)	(81,076)	(1,433,199)	(3,660,600)
2037	(1,437,285)	(51,440)	(89,267)	(1,577,992)	(4,030,425)
2038	(1,575,014)	(56,370)	(97,821)	(1,729,204)	(4,416,644)
2039	(1,718,822)	(61,517)	(106,752)	(1,887,091)	(4,819,912)
2040	(1,868,949)	(66,890)	(116,076)	(2,051,915)	(5,240,900)
2041	(2,025,646)	(72,498)	(125,809)	(2,223,952)	(5,680,309)
2042	(2,189,170)	(78,350)	(135,965)	(2,403,486)	(6,138,866)
2043	(2,359,792)	(84,457)	(146,562)	(2,590,810)	(6,617,323)
2044	(2,537,788)	(90,827)	(157,617)	(2,786,232)	(7,116,462)
2045	(2,723,449)	(97,472)	(169,148)	(2,990,069)	(7,637,093)
2046	(2,917,073)	(104,402)	(181,173)	(3,202,648)	(8,180,056)
2047	(3,118,972)	(111,628)	(193,713)	(3,424,313)	(8,746,222)
2048	(2,909,545)	(104,132)	(180,706)	(3,194,383)	(8,158,945)
TOTAL:	(36,024,484)	(1,289,314)	(2,237,404)	(39,551,202)	(101,019,642)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section

Table 18 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated. These projections are for FYE 2049.

The Frozen Base is the assessed value of the Area established by the county assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base. The Frozen Base indicated in the table below is the consultant's estimate. It is expected the number may vary slightly as the assessor determines the Frozen Base after the Area is established.

Table 18 - Additional Revenues Obtained after Termination of Tax Increment Financing, FYE 2049.

Taxing District	Tax Rate	From Frozen Base	From Excess Value	Total
General Government				
Lincoln County General	2.8202	699,666	2,363,765	3,063,431
Lincoln County Animal Services	0.11	27,290	92,198	119,488
Lincoln County Extension	0.0451	11,189	37,801	48,990
Lincoln County Transport	0.0974	24,164	81,637	105,801
City of Lincoln City	4.0996	1,017,074	3,436,100	4,453,174
Road - Lake Point	0.4669	0	0	0
Lincoln Fire & Rescue #1	0.6783	164,904	557,091	721,995
Water - Dev Lake In	0.2499	3,800	12,715	16,515
North Lincoln Health	0.5184	128,612	434,500	563,112
Water - Dev Lake Out	0.128	1,512	5,063	6,575
Subtotal	9.0858	2,076,699	7,015,807	9,092,506
Education	12345	12,345	12,345	12,345
Lincoln County School	4.9092	1,217,930	4,114,670	5,332,600
Oregon Coast Comm. College	0.1757	43,590	147,264	190,854
ESD Linn-Benton	0.3049	75,643	255,554	331,197
Subtotal	5.3898	1,337,163	4,517,488	5,854,651
TOTAL:	14.4756	3,413,862	11,533,295	14,947,157

Source: Tiberius Solutions

x. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AND TIF AREAS

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in a TIF area at the time of its establishment to 25% for municipalities under 50,000 in population. As of the adoption of this Plan, there is an existing urban renewal area in Lincoln City, the Year 2000 Development (Urban Renewal) Plan Area. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Development Plan.

At that time, the assessed value and acreage limitations will only include the Roads End/Villages at Cascade Head Area.

As noted below, the Frozen Base (assumed to be FYE 2020 values), including all real, personal, personal, manufactured, and utility properties in the Area, is projected to be $248,091,196. The Lincoln County Assessor will set the Frozen Base once the Plan is adopted. The total assessed value of the City of Lincoln City in FYE 2020 is $1,858,471,488.[6]

The percentage of assessed value of the TIF area in Lincoln City is 17.3%, below the 25% threshold.

The Area contains 500 acres, including public rights-of-way. The Year 2000 Area contains 362.47 acres.[7] This puts 22.52% of the City's acreage in a TIF area, which is below the 25% statutory threshold. The information on acreage and assessed value percentages is shown below in Table 19.

Table 19 – TIF Area Conformance with Assessed Value and Acreage Limits

	Assessed Value	Frozen Base	Acreage
City of Lincoln City	$1,858,471,488		3,830
Year 2000 Plan Area		$62,489,095	362.47
Year 2000 Plan Incremental/Excess Value	$56,204,456[8]		
Roads End/Villages at Cascade Head Area		$248,091,196	500
% in Urban Renewal/TIF Area	17.3%		22.52%

Source: Compiled by Elaine Howard Consulting, LLC with data from City of Lincoln City and Lincoln County Department of Assessment and Taxation (FYE 2020)

[6] Lincoln County FYE 2020 Sal 4a

[7] Acreage information for Y2000 Plan from Resolution UR2019-03

[8] This is the excess value used. In 2014 the City of Lincoln City determined to under-levy their tax increment by 80%, with only 20% of the available increment going to the urban renewal agency. Even with this adjustment, the Area is expected to be terminated in FYE 2021.

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Area and documents the occurrence of "blighted areas," as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures 500 total acres in size, which is composed of 910 individual parcels encompassing 445.69 acres, and an additional 54.31 acres in public rights-of-way. An analysis of FYE 2019-2020 property classification data from the Lincoln County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, Exempt uses account for the most prevalent land use within the Area (56.68%). This was followed by Residential uses (36.25%). Detailed land use designations in the Area can be seen in Table 20.

Table 20 - Land Use in the Area

Land Use	Parcels	Acreage	Percent of Acreage
Exempt	105	252.63	56.68%
Residential	780	161.58	36.25%
Commercial	10	25.35	5.69%
Miscellaneous	12	3.29	0.74%
Tract	1	2.36	0.53%
Forest	1	0.25	0.06%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City using the Lincoln County Department of Assessment and Taxation database (FYE 2020)

2. Comprehensive Plan Designations

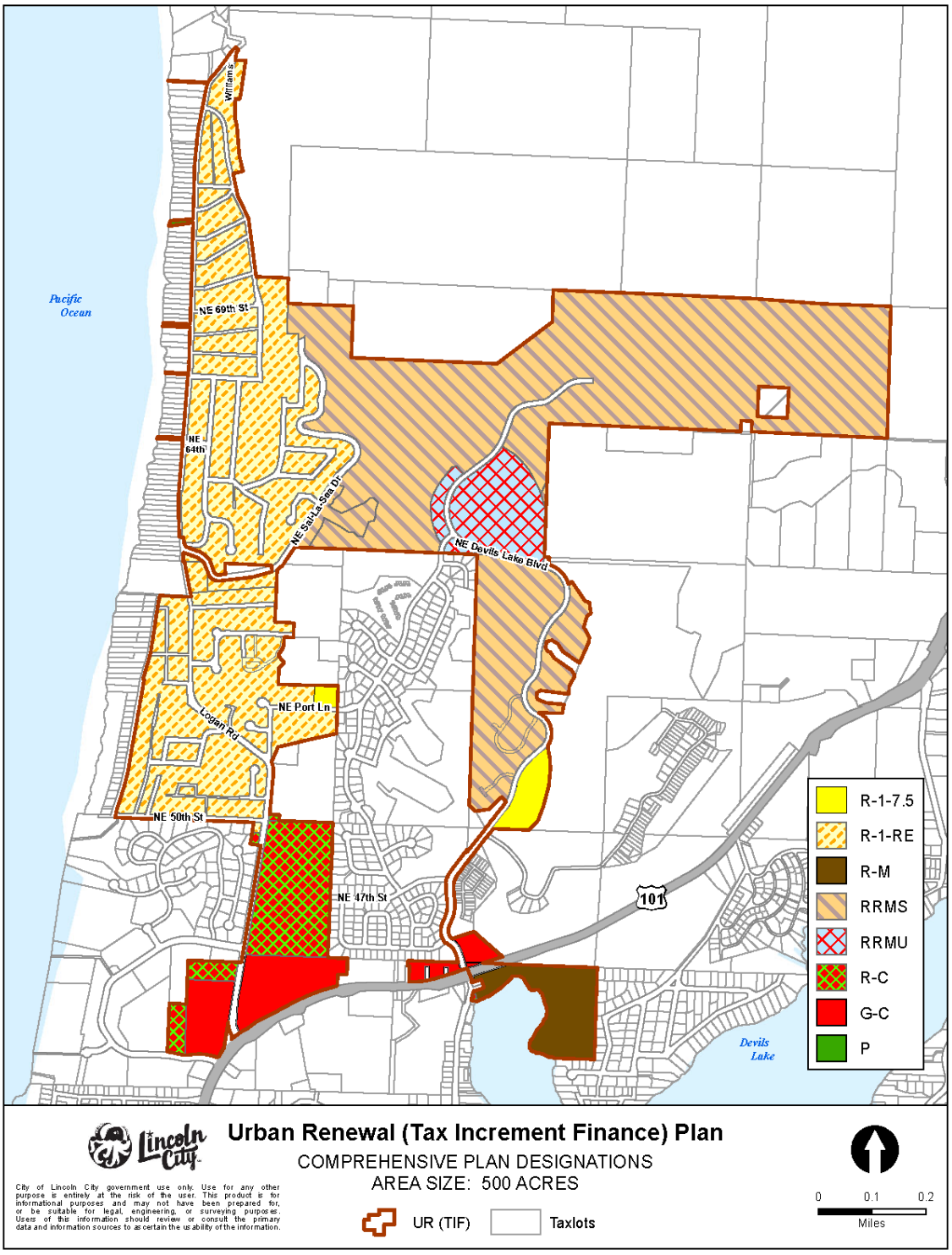
The most prevalent comprehensive plan designation by acreage in the Area is Resort Residential Mixed Structure (49.20%). The second most prevalent comprehensive plan designation by acreage in the Area is Residential 1-Roads End (31.82%). Detailed comprehensive plan designations in the Area can be seen in Table 21.

Table 21 – Comprehensive Plan Designations in the Area

Comprehensive Plan Designation	Parcels	Acreage	Percent of Acreage
Resort Residential Mixed Structure (RRMS)	114	219.26	49.20%
Residential 1 – Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	9	43.07	9.66%
Recreation Resort Mixed Use (RRMU)	5	16.33	3.66%
Multi-Family Residential (RM)	7	14.85	3.33%
Residential – 1 – 7.5 (R-1-7.5)	3	6.26	1.40%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 3 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Comprehensive Plan Designation



Source: City of Lincoln City GIS

3. Zoning Designations

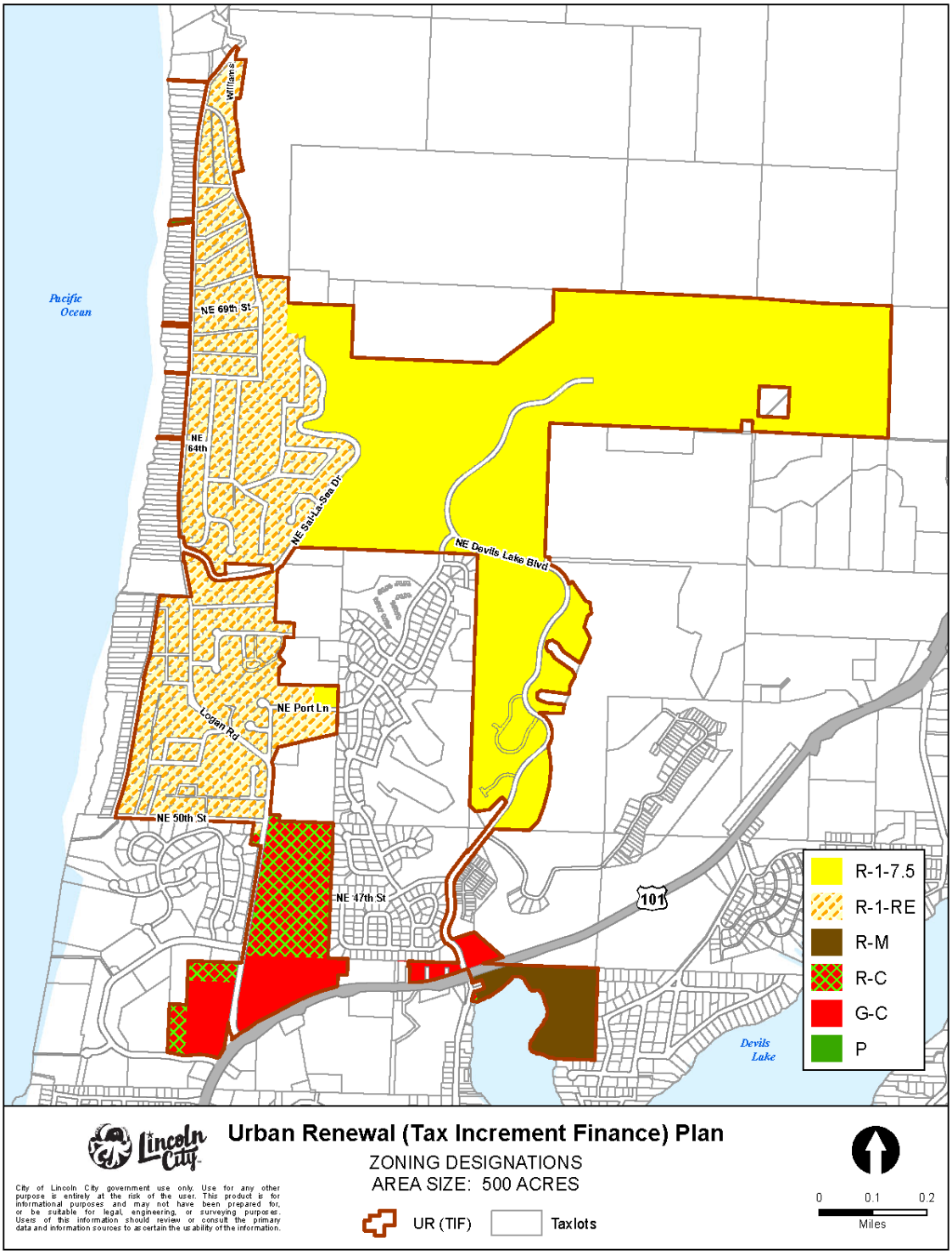
The most prevalent zoning designation by acreage in the Area is Residential R-1-7.5 (58.80%). The second most prevalent zoning designation in the Area is Residential R-1-Roads End (31.82%). Detailed zoning designations in the Area can be seen in Table 22.

Table 22 - Zoning Designations in the Area

Zoning Designation	Parcels	Acreage	Percent of Acreage
Single Family Residential R-1-7.5 (R-1-7.5)	123	262.06	58.80%
Single Family Residential R-1 Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	8	22.86	5.13%
Multiple-Family Residential (R-M)	7	14.85	3.33%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 4 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Zoning Designations



Source: City of Lincoln City GIS

B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the Plan.** There are projects listed in several City of Lincoln City infrastructure master plans that relate to these existing conditions.

There are also deficiencies in the transportation system that have been identified by City staff for inclusion. **This does not mean that all of these projects are included in the Plan.** The specific projects that are included in the Plan are listed in Section III of this Report.

1. Transportation

The Lincoln City Transportation Systems Plan identified the following projects in the Capital Improvement List.

Bus system for hikers to access the Knoll recreation areas; Develop Park & Ride at the North end and incorporate North by Northwest Connector and other transit amenities.

Improved public parking on and off-street; could include Sal-La-Sea second parking lot.

Improve road connection between Villages at Cascade Head and Roads End to Highway 101 (one-half of this project is in the Area).

Logan Road/ NE Port Lane safety improvements, such as intersection realignment, roundabout, or all-way stop control.

Extend NE 47th Street. to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.

Modify Existing Traffic Signals and Install New Traffic Signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road / NE Devils Lake Boulevard and Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication.

Local streets and Highway 101 improvements which may include curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects.

2. Storm Drain

The Storm Drain project within the Area was identified by staff at a meeting on October 9, 2019.[9]

Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.

3. Water

The following water project within the Area was identified by staff at a meeting on October 9, 2019.

Improved infrastructure to support long-range water security for the Area.

4. Sewer

The following sewer project within the Area was identified by staff at a meeting on October 9, 2019.

Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

5. General Public Works

The following water projects within the Area were identified by staff at a meeting on October 9, 2019.

Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth but is otherwise a natural stream. A project to replace one culvert with a fish passage over the second culvert has been identified, it would improve water quality and fish and wildlife habitat.

Public Utility Improvements to include power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

Utilities should be undergrounded where economically feasible.

[9] As there was not a Water or Sewer Master Plan, the city Economic Development and Urban Renewal staff met with the city Public Works staff to identify deficiencies in the Area. This meeting was attended by Alison Robertson, Jodi Mescher, Stephanie Reid, and Lila Bradley.

Infrastructure projects are required including upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

Improve water line from 69th Street. to Willams Court and sewering to unsewered areas.

5. Parks and Open Space

The *Lincoln City Parks and Recreation Plan*[10] established the need for additional open space and parks facilities in the Area. The specific projects are identified below:

Improved access to trail heads and parking for recreation partner trails.

Improving pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Provide a community park in the Villages at Cascade Head development area; including provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Highway 101.

Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include acquiring property and constructing cohesive, branded signage for drivers and pedestrian.

6. Utility Providers

The following utility providers have services within the City of Lincoln City:
City of Lincoln City
Pacific Power
NW Natural
Charter/Spectrum
CenturyLink
CoastCom/Wave
Sprint
North Lincoln Sanitary Service (Contracted by City of Lincoln City)

[10] GreenWorks *City of Lincoln City Park and Recreation System Plan, 2016.*

C. *Social Conditions*

Within the Area, there are 780 tax lots shown as residential use in the land use table, Table 20 of this report. According to the US Census Bureau, American Community Survey 2013-2017 Five Year Estimates, the block groups that most closely represent the Area have 980 residents, 83% of whom are white. These block groups represent more residents than exist in the Area but are the closest block groups to represent the Area.

Table 23 - Race in the Area

Race	Number	Percent
White alone	810	82.7%
Black or African American alone	-	0.0%
American Indian and Alaska Native alone	9	.8%
Asian alone	147	15%
Native Hawaiian and Other Pacific Islander alone	-	0.0%
Some other race alone	-	0.0%
Two or more races	15	1.5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The largest percentage of residents are between 55 to 64 years of age (31%).

Table 24 - Age in the Area

Age	Number	Percent
Under 5 years	79	8%
5 to 9 years	-	0%
10 to 14 years	-	0%
15 to 17 years	7	1%
18 to 24 years	23	2%
25 to 34 years	60	6%
35 to 44 years	46	5%
45 to 54 years	84	9%
55 to 64 years	299	31%
65 to 74 years	194	20%
75 to 84 years	139	14%
85 years and over	49	5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

In the block groups, 33% of adult residents have earned a bachelor's degree or higher. Another 37% have some college education without a degree, and 14% have graduated from high school with no college experience.

Table 25 - Educational Attainment in the Area

Educational Attainment	Number	Percent
Less than high school	137	16%
High school graduate (includes equivalency)	123	14%
Some college	289	33%
Associate's degree	36	4%
Bachelor's degree	145	17%
Master's degree	109	13%
Professional school degree	12	1%
Doctorate degree	20	2%
TOTAL:	871	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The most common travel time to work class was 10 to 19 minutes, with 60% of journeys being in this class. This was followed by less than 10 minutes travel time class, which represented 33% of journeys.

Table 26 - Travel Time to Work in the Area

Travel Time	Number	Percent
Less than 10 minutes	107	33%
10 to 19 minutes	197	60%
20 to 29 minutes	5	2%
1.00830 to 39 minutes	11	3%
40 to 59 minutes	7	2%
60 to 89 minutes	-	0%
90 or more minutes	-	0%
TOTAL:	327	100%

Source: American Community Survey 2013-2017 Five Year Estimates

Of the means of transportation used to travel to work, the majority, 60% drove alone with another 25% carpooling.

Table 27 - Means of Transportation to Work in the Area

Means of Transportation	Number	Percent
Drove alone	217	60%
Carpooled	89	25%
Bicycle	-	0%
Walked	-	0%
Other means	-	0%
Worked at home	14	4%
TOTAL:	362	89%

Source: American Community Survey 2013-2017 Five Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Lincoln County Department of Assessment and Taxation for FYE 2020, including all real, personal, manufactured, and utility properties, is estimated to be $248,091,196.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In TIF Areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short and long-term development objectives.

Table 28 shows the improvement to land ratios (I:L) for properties within the Area. There are 104 parcels totaling 56.40% of the total acreage that are "exempt" from taxation as they are owned by governmental agencies or non-profits. There are 166 parcels totaling 13.80% of the acreage that have no improvement value. Excluding the Exempt parcels, there are 274 parcels representing 21.91% of the acreage that have I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0, or an improvement worth twice as much as the land it is on. Two hundred and sixty-six of the parcels in the Area, totaling 16.97% of the acreage, have I:L ratios of 2.0 or more in FYE 2020. In summary, approximately 83.03% of the Area is either exempt or underdeveloped and not contributing significantly to the tax base in the City.

Table 28 - Improvement to Land Ratios in the Area

I:L Ratio	Parcels	Acreage	Percent of Acreage
Exempt	104	251.38	56.40%
No Improvement Value	166	61.52	13.80%
0.01-0.50	15	3.08	0.69%
0.51-1.00	93	33.07	7.42%
1.01-1.50	112	21.06	4.72%
1.51-2.00	154	26.28	5.90%
2.01-2.50	129	25.17	5.65%
2.51-3.00	69	10.86	2.44%
3.01-4.00	42	7.76	1.74%
> 4.00	26	5.51	1.24%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the Lincoln County Department of Assessment and Taxation (FYE 2020)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of tax increment funding are for transportation and utility infrastructure, park improvements, economic development and emergency preparedness. Tax increment financing is a method for funding projects that would otherwise be funded by the City general fund or SDCs, or delayed until resources are available.

It is anticipated that these improvements will catalyze development on the undeveloped and underdeveloped parcels in the Area. This development will require City services. However, since the property is within the City limits, and the level of redevelopment has been planned for based on the Comprehensive Plan and zoning designations, the City has anticipated the need to provide services to the Area. As the development will be new construction, it will be constructed to current building codes, which will aid in the needs for fire protection and lessen the burden on fire response.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the City.

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL (TIF) AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area.

XIII. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance as required under applicable state law. The Agency has adopted rules for relocation assistance. The Agency will comply with all applicable state laws in providing these potential benefits.

Memo

To: Lincoln City City Council

From: Anne Marie Skinner

Planning & Community Development Director

Date: July 10, 2020

Re: Lincoln City Planning Commission Action on July 7, 2020

BACKGROUND

On July 7, 2020, the Lincoln City Planning Commission reviewed the proposed new Roads End / Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan, received a staff report on the proposed Plan, and passed the following motion by a unanimous vote of the commission.

MOTION

The Roads End / Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan conforms with the Lincoln City Comprehensive Plan and the Planning Commission recommends approval of the Plan to the City Council as written.

Sincerely,



Anne Marie Skinner
Planning & Community Development Director

Council Communication

Ordinance 2020-10 Amends Design Standards second reading

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	David Twigg	Estimated Time:	10 minutes

Rst and Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-10 entitled:

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32(GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040,TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

Staff Recommendation:

Staff recommends Council conduct First and Second Reading of Ordinance 2020-10 (Design Standards) and adopt the Ordinance. [Conduct First Reading again to avoid reading all changes] All 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:

Council completed First Reading on July 13, 2020,. Staff made changes to shorten the ordinance and recommends conducting First Reading again.

The interim planning director has comments/concerns which I will send to you separately.

The Planning Commission recommended approval of the proposed amendments, with minor changes.

Council Options:

1. Read changes, if any. Conduct and Approve First and Second Reading and Adopt the Ordinance.

3. Continue First or Second Reading to August 10, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First and Second Reading of Ordinance by Title only]

ORDINANCE 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32(GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE

(TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

Council:

1. Motion to approve First Reading of Ordinance 2020-10.
2. Motion to approve Second Reading and adopt Ordinance 2020-10.

[or]

2. Motion to set Second Reading for August 10, 2020.

Attachments:
7-23-20 Ordinance 2020-10 229pm (DOCX)
FINAL Ext. A Findings 2020-10 (DOCX)

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (RC) ZONE), SECTION 17.28.040(B) (F.)& (J); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.)(U) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.

Annotated to show deletions and additions to the code sections being modified. Additions are **bold underlined** and deletions are ~~**bold lined through**~~**.**

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, 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".

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on July 2, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on July 16, 2019; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation to approve the amendments herein, with some modifications; and

WHEREAS, the City Council held a public hearing on June 22, 2020. Following the close of the public hearing on June 22, 2020, Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020. Amended definitions from this ordinance and two other ordinances were directed to be removed and placed in a separate ordinance.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.20 (Multiple Family Residential (R-M) Zone) is hereby amended to read as follows:

Chapter 17.20

MULTIPLE**-UNIT ~~FAMILY~~** RESIDENTIAL (R-M) ZONE

Sections:

17.20.010 Purpose.
17.20.020 Permitted uses.
17.20.030 Accessory uses.
17.20.040 Conditional uses.
17.20.050 Development standards.
17.20.060 Landscaping.
17.20.070 Signs.
17.20.080 Supplementary Regulations and Exceptions.
17.20.090 Off-street parking and loading.
17.20.100 Design standards.
17.20.110 Restrictions.

17.20.010 Purpose.

The Multiple-Unit Residential (R-M) 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.

17.20.020 Permitted uses.

A. Attached single-unit dwellings;

B. Attached single-unit dwellings developments;

C. Community or market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080;

D. Cottage housing developments, subject to the provisions of LCMC 17.80.120;

E. Duplexes;

F. Multi-unit dwellings;

G. Residential facilities;

H. Residential homes;

I. Structures used temporarily on the site and only during construction of a permitted or conditional use for which a building permit has been issued, but not exceeding six months;

J. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);

K. Transportation uses.

17.20.030 Accessory uses.

A. Animals and gardens, subject to the provisions of LCMC 17.80.080;

B. Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060;

C. Home occupations, subject to the provisions of Subsection 17.52.010(E);

D. Offices incidental to and necessary for the operation of the allowed primary use;

E. Off-street parking areas directly related to the allowed primary use, subject to the provisions of Chapter 17.56 LCMC and Chapter 17.55 LCMC;

F. Other accessory uses, accessory buildings, or accessory structures customarily related to or associated with the primary use.

G. Vacation rental dwellings, provided they are not rented for more than 30 nights in any calendar year, and subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;

17.20.040 Conditional uses.

A. Assisted living facilities;

B. Community meeting buildings or fraternal and social organizations;

C. Educational institutions;

D. Government buildings;

E. Places of worship;

F. Primary, elementary, junior high or high schools; nursery schools; kindergartens;

G. Radio and television transmitters or towers;

H. Recreation centers, public parks, playgrounds, and similar public-owned recreational areas;

I. Wireless communications facilities.

17.20.050 Development standards.

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
1. Min. lot width	25	None	25 feet	25 feet	Not applicable
2. Min. lot area (square feet)	2,500	None	2,500	2,500	None
3. Min. density	None	15 dwelling units per net acre[2,3]	None	15 dwelling units per net acre[2,3]	Not applicable
4. Max. building height (see also Sections 17.52.190 and 17.52.200)					
a. Primary buildings	35 feet	35 feet	35 feet	40 feet	35 feet
b. Accessory buildings, structures, uses	25 feet	25 feet	25 feet	25 feet	25 feet
5. Min. building setbacks (except garage/carport entrances)[4]					
a. Front porch	5 feet	5 feet	5 feet	0 feet	5 feet
b. Front wall	10 feet	10 feet	10 feet	0 feet	10 feet
c. Side interior	5 feet, but 0 feet for attached walls	5 feet, except 0 feet for attached walls	5 feet	5 feet	10 feet
d. Side street	10 feet	10 feet	10 feet	0 feet	10 feet
e. Rear	10 feet	10 feet	10 feet	15 feet	15 feet

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
6. Min. setbacks for garage/carport entrances (attached or detached)					
a. Front-loaded access	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	Not permitted	Not permitted
b. Side-loaded access	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of primary building	Not permitted
c. Rear-loaded access	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line
7. Max. building coverage	35%	45%	45%	65%	45%
8. Common Open Space	None required	Required[1]	None required	Required[1]	None required
9. Vehicle storage space	None required	Required[5]	None required	None required	None required

1

[1]A minimum of 250 square feet of common open space per dwelling unit must be installed as follows:

i. **Common open space must be designed for passive or active recreational use and may include usable floor area in the development's recreation building or club house. Common open space must be located outside of required setbacks and required parking areas. The common open space requirement is allowed to count toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.**

ii. **Common open space must be available, accessible, and free for use by occupants and their guests without leaving the development.**

iii. **Common open space must be connected to primary building entrances (in the case of multi-unit dwellings) by an ADA-accessible walkway that is at least five feet wide. The square footage area of ADA-accessible walkways can count towards the minimum common open space square footage requirement if they provide at least one of connection to each other, connection to other common open space areas, or connection to public right-of-way or the parking area for the development.**

iv. **All required common open spaces must include at least one amenity for users including seating, trash/recycling bins, dog waste stations, or play equipment – all of which must coordinate with and complement the development. If a common open space area has direct connection to an ADA-accessible walkway, then that connection and ADA-accessible walkway can count as the amenity for that particular common open space area. Common open spaces provided over and above the minimum requirement do not need to provide any amenities.**

[2]Where the minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.

[3]Example: 50,000 gross square feet less 1,200 square feet for significant wetlands and right-of-way dedication equals 48,800 net square feet. 48,800 divided by 43,560 = 1.12 acres x 15 = 16.8 or 17 dwelling units minimum density.

[4]Refer to 17.52.160(B) for exceptions to setback requirements for accessory buildings.

[5]Vehicle storage space for boats, campers, RVs, etc. shall be provided at the rate of one 10-foot by 20-foot space in size for every four dwelling units. Adequate maneuvering room shall be provided. The perimeter of the vehicle storage space, excepting the entrance to such, shall be blocked from sight with a 6-foot-high sight-obscuring fence,

hedge, or wall that complies with clear-vision area requirements of LCMC 17.52.060, and if a hedge, complies with LCMC 17.55.080, Living landscaping as screening.

17.20.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.20.070 Signs. Signs shall be allowed in accordance with Chapter 17.72 LCMC and Chapter 9.34 LCMC.

17.20.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

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

17.20.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

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.

17.20.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.20**~~
~~**MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE**~~

~~**Sections:**~~

~~**17.20.010 Purpose.**~~
~~**17.20.020 Permitted uses.**~~
~~**17.20.030 Accessory uses.**~~
~~**17.20.040 Conditional uses.**~~
~~**17.20.050 Minimum lot area and density requirements.**~~
~~**17.20.060 Lot width, building coverage and yard requirements.**~~
~~**17.20.070 Maximum building height.**~~
~~**17.20.080 Signs.**~~
~~**17.20.090 Parking.**~~
~~**17.20.100 Other required conditions.**~~

~~**17.20.010 Purpose.**~~
~~**This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.**~~

~~**17.20.020 Permitted uses.**~~
~~**The following uses are permitted:**~~

~~**A. Single-family dwellings, if developed under the standards set forth for single-family dwellings within the R-1 zone (except for the building coverage standards, which shall be as set out in LCMC 17.20.060(D)), and two-family dwellings or duplexes;**~~

~~**B. Multiple-family dwellings and apartment houses;**~~

~~**C. Cottage housing developments, subject to the provisions of LCMC 17.80.120;**~~

~~**D. Rooming and boarding houses;**~~

~~**E. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080;**~~

~~**F. A mobile home used during construction of a permitted use for which a building permit has been issued, but not exceeding six months;**~~

~~**G. Bed and breakfast accommodations, subject to the standards set forth in LCMC 17.80.060;**~~

~~**H. Manufactured homes when developed in accordance with the standards specified in LCMC 17.52.250;**~~

~~**I. Attached single-family dwellings, when developed in accordance with the standards specified in LCMC 17.52.260;**~~

~~**J. Transportation uses, defined in Chapter 17.08 LCMC;**~~

~~**K. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);**~~

~~**L. Four-flat dwellings, subject to the provisions of LCMC 17.80.140.**~~

~~**17.20.030 Accessory uses.**~~
~~**The following accessory uses are permitted:**~~

~~**A. Offices incidental and necessary to the conduct of a permitted use;**~~

~~**B. Off-street parking lots when appurtenant to a permitted use in the R-M zone, subject to the provisions of Chapter 17.56 LCMC;**~~

~~C. Home occupations, subject to the provisions of LCMC 17.52.010(E);~~

~~D. Gardens and animals, subject to the provisions of LCMC 17.80.080;~~

~~E. Accessory dwelling units in association with single-family dwellings, subject to the provisions of LCMC 17.80.110;~~

~~F. Vacation rental dwelling, provided it is not rented for more than 30 nights in any calendar year, and subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;~~

~~G. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.~~

~~17.20.040 Conditional uses.~~

~~The following conditional uses may be permitted subject to a conditional use permit:~~

~~A. Time-share units, when developed subject to requirements and standards of this section;~~

~~B. Places of worship;~~

~~C. Public or private schools (kindergarten through 12th grade, educational institutions, nursery schools and day care centers);~~

~~D. Community meeting buildings, fraternal and social organizations and recreation centers, public parks, playgrounds and similar publicly owned recreational areas;~~

~~E. Public or private golf courses, except driving ranges or miniature courses operated as a business;~~

~~F. Mobile home parks submitted under the provisions of LCMC 17.80.040;~~

~~G. Temporary real estate offices in legally recorded subdivisions;~~

~~H. Cemeteries;~~

~~I. Utility substations, but not wireless communications facilities;~~

~~J. Radio and television transmitters or towers, but not wireless communications facilities;~~

~~K. Government buildings;~~

~~L. Hospitals, sanitariums, rest homes and nursing homes.~~

~~17.20.050 Minimum lot area and density requirements.~~

~~The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex or the first two units of a multifamily development. For each additional dwelling unit, the following standards shall apply:~~

~~A. Low Density. Where the entire lot is in excess of 150 feet from a boundary of a commercial zone, the lot must have an additional area of 2,250 square feet for each additional dwelling.~~

~~B. High Density. Where the entire lot is within 150 feet of the boundary of a commercial zone, the lot must have an additional area of 1,200 square feet for each additional dwelling unit.~~

~~C. Mixed Density. Where a portion of the parcel is within 150 feet of a boundary line of a commercial zone and a portion of the parcel is in excess of 150 feet of the boundary of a commercial zone, calculate allowed density (number of dwelling units) in the following manner:~~

~~1. Deduct the 8,000 square feet required for the first two units from the larger of the two portions. If neither portion is 8,000 square feet, deduct as much as possible from the larger portion and the remainder from the smaller portion, or if the same size, subtract equally from both portions;~~

~~2. Divide the remainder (i.e., square feet of the portion within 150 feet of a commercial zone, less the square footage deducted from this portion in step one) by 1,200 square feet per unit;~~

~~3. Divide the remainder (square feet of the portion more than 150 feet from a commercial zone, less the square footage deducted from this portion in step one) by 2,250 square feet per unit;~~

~~4. Add the quotients from steps 2 and 3. Round the resulting quotient down to the nearest whole number;~~

~~5. To this sum add the two units from step 1 to get the maximum number of dwelling units allowed on the parcel. The site plan may distribute the allowed units on the lot without regard to distance from commercial zoning.~~

~~6. Example of calculation described in subsections (C)(1) through (5) of this section:~~

~~A 50,000 square foot parcel with 20,000 square feet within 150 feet of a commercial zone and 30,000 square feet in excess of 150 feet from a commercial zone.~~

~~1. Deduct the 8,000 square feet required for the first two units from the 30,000 square foot portion.~~

~~2. Divide the 20,000 square feet of the area within 150 feet of a commercial zone by 1,200 square feet per unit. The result is 16.67 units.~~

~~3. Divide the 22,000 square feet (remaining after step 1) of the area in excess of 150 feet of a commercial zone by 2,250 square feet per unit. The result is 9.78 units.~~

~~4. Add the quotients from steps 2 and 3 to get 26.45. Round down to 26.~~

~~5. Add the two units from the first step to 26 for a total of 28 units.~~

~~17.20.060 Lot width, building coverage and yard requirements.~~
~~A. Lot Width. The minimum average lot width shall be at least 50 feet for single-family residences and duplexes; at least 60 feet for triplexes or greater number of dwelling units.~~

~~B. Front Yard. The minimum front yard shall be 20 feet.~~

~~C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.~~

~~D. Building Coverage. The maximum building coverage by buildings and structures shall not exceed 45 percent of the total lot area.~~

~~E. Special yards and distances between buildings shall be provided as follows:~~

~~1. The distance between any principal building and any accessory building shall be a minimum of 10 feet.~~

~~2. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.~~

~~3. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.~~

~~4. For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.~~

~~17.20.070 Maximum building height.~~
~~Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and 17.52.200.~~

~~17.20.080 Signs.~~
~~Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.~~

~~17.20.090 Parking.~~
~~Off-street parking shall be provided in accordance with Chapter 17.56 LCMC.~~

~~17.20.100 Other required conditions.~~
~~A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

~~B. Recreation Area. A multifamily development shall have a minimum of 250 square feet of recreation area for each living unit. The recreation area must be exclusively for recreational use, and shall not be located in the required yard and shall not be considered as required landscape areas. The recreation area, which may include useable floor space in recreation buildings, must be available and free for use by occupants and their guests, and accessible to occupants without having to leave the property comprising the multifamily dwelling complex. The recreation area may be in one or more locations in the multifamily dwelling complex. Any location for use by more than an individual unit shall be at least 20 feet in width and within view of the residences it serves.~~

~~C. [Reserved]~~

~~D. Access Barrier. Each lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of, or within, the front yard or in side yards abutting streets unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.~~

~~E. Access Ways. Each lot shall have not more than two access ways to any one street or highway, which shall comply with the following requirements:~~

~~1. Width of Access Way. The width of any access way leading to or from a street or highway shall not exceed 24 feet, or where the city engineer or the Oregon Department of Transportation requires a turn lane, 36 feet, nor be less than 15 feet in width at the right-~~

~~of-way line for a one-way ingress or egress. The alignment of access ways and curb return dimensions is subject to site plan review committee approval.~~

~~2. Spacing of Access Ways. At its intersection with the lot line, no part of any access way shall be nearer than 20 feet to any other access way on the same lot, nor shall any part of the access way be nearer than 10 feet to any side or rear property line and its intersection with a right-of-way line. Insofar as practicable, the use of common access ways by two or more permitted uses is encouraged in order to reduce the number and closeness of access points along the highways.~~

~~3. Traffic Hazards. The location and number of access ways shall be so arranged that they will reduce the possibilities of traffic hazards as much as possible.~~

~~F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development, except as provided in LCMC 17.52.120(A).~~

~~G. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the multifamily residential zone shall utilize at least two of the following design features to provide visual relief along the front of the home:~~

~~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. Off-sets on building face or roof (minimum 16 inches).~~

SECTION 2. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.020 (*Uses permitted*), paragraph (F), is hereby amended as follows:

F. Elderly housing units developed under the standards and **~~provisions of the low density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74;**

SECTION 3. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation-Commercial (RC) Zone*), Section 17.28.040 (*Conditional uses permitted*), paragraphs (B), (F), and (J) are hereby amended as follows:

B. **~~Public use or p~~**Public utility;

F. Multi**-unit ~~family~~** dwellings developed under the standards **and requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74; ~~of the R-M zone;~~**

J. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74.

SECTION 4. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.040 (*Conditional uses permitted*), paragraph (K), is hereby amended, and paragraph (U) is hereby added, as follows:

K. Multi**-unit ~~family~~** dwellings developed under the standards and **~~provisions of the high density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74;**

U. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to provisions of Article III of Chapter 17.74.

SECTION 5. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.110 (O*ther required conditions*), paragraph (E) is hereby amended as follows:

E. All ~~commercial or mixed use buildings~~ development in the GC zone must conform to and comply with applicable portions of Chapter 17.74 LCMC, ~~Commercial~~ Design Standards.

SECTION 6. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan District)* is hereby amended as follows:

Chapter 17.34
NELSCOTT PLAN (NP) DISTRICT

Sections:

17.34.010 Purpose and overall guiding principles.
17.34.020 Nelscott plan district subdistricts.
17.34.030 Permitted uses.
17.34.040 Development standards.
17.34.050 [Reserved]
17.34.060 Landscaping
17.34.070 Signs.
17.34.080 Supplementary Regulations and Exceptions.
17.34 090 Off-street parking and loading.
17.34.100 Design standards.
17.34.110 Restrictions.
17.34.120 Conflicts.

17.34.010 Purpose.

The Nelscott plan district (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott.

17.34.020 Nelscott plan district subdistricts.

The NP district consists of three subdistricts as shown on the Zoning Map in Exhibit A attached to the ordinance codified in this chapter.

A. Nelscott Business District (NBD). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott commercial core along Highway 101 and to concentrate the businesses in a pedestrian-friendly manner. The emphasis in this subdistrict is on providing retail, commercial, and personal services for the neighboring residents and visitors.

B. Nelscott Cottage Residential (NCR). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott residential areas located west of Highway 101. The emphasis in this subdistrict is on preserving and protecting the traditional cottage heritage in a family-friendly, pedestrian-oriented environment.

C. Nelscott Beachside Mixed Use (NBMU). The intent of this zoning subdistrict is to provide for a variety of small-scale beach-oriented commercial and residential uses in a family-friendly environment.

17.34.030 Permitted uses.

Table 17.34.030.1 identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.34.030-1 Land Uses Allowed in Nelscott

Uses	Subdistrict		
Use Categories	**Business District**	**Cottage Residential**	**Beachside Mixed Use**
Residential Categories			
Single-unit dwelling	**P**	**P**	**P**
Attached single-unit dwelling	**P**	**N**	**P**
Duplex	**P**	**P**	**P**
Accessory dwelling unit,	**P**	**P**	**P**
Multi-unit dwellings	**P**	**N**	**P**
Mixed use **– dwelling(s) above or abutting a ground floor commercial use** **– dwelling(s) below a ground floor commercial use fronting on Highway 101**	**P** **N**	**N** **N**	**P** **P**
Manufactured homes, subject to the provisions of LCMC 17.52.250		**P**	
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities) **– lawfully existing as of June 1, 2008** **– new or expanded use**	**P** **N**	**N** **N**	**N** **N**
Walk-up windows, ATMs, similar uses/facilities	**P**	**N**	**P**
Bed and breakfast inn, subject to the provisions of LCMC 17.80.060	**P**	**P**	**P**
Educational services, not a school (e.g., tutoring or similar services)	**P**	**P**	**P**

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Entertainment, major event	P	N	P
Overnight accommodations, except bed and breakfast inns	P	N	P
Offices	P	N	P
Outdoor recreation, commercial	C	N	C
Surface parking lot, except for public facilities and parking as an accessory use	C	C	C
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	N	P
Retail sales and service, greater than 60,000 square feet	N	N	N
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P
Industrial Categories			
Industrial service, excluding drive-up – fully enclosed (e.g., office) – not enclosed	 C N	 N N	 N N
Manufacturing and production in conjunction with an allowed commercial use – fully enclosed – not enclosed	 C N	 N N	 N N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales – fully enclosed	C N	N N	N N

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
– not enclosed			
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N
Government use	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	C	C
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses	C	N	N
Parks and open space – pedestrian amenities – parks and recreation facilities – other open space	 P P P	 P P P	 P P P
Places of worship[1]	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Radio and television transmitter towers	C	C	C
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Transportation uses	P	P	P

1. Together with accessory uses as specified in LCMC 17.80.160.

17.34.040 Development standards.

Table 17.34.040-1 Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, setback and coverage standards – Detached single-unit dwelling – Attached single-unit dwelling – Other structures	 3,750 sq. ft. 3,750 sq. ft. 3,750 sq. ft.	 3,750 sq. ft. Not applicable 3,750 sq. ft.	 3,750 sq. ft. 3,750 sq. ft. 3,750 sq. ft.
Maximum Dwelling Unit Density – Single-unit dwelling and Duplex – Multi-unit dwelling[1]	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC	One dwelling unit per 3,750 sq. ft. Not applicable	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC
Minimum Lot Width	50 ft.	35 ft.	50 ft.
Minimum Lot Depth	50 ft.	50 ft.	50 ft.
Maximum Building Height	45 ft.	35 ft.	35 ft.
Maximum Building Coverage	90%	35%[2]	80%
Minimum Setbacks Front, street, side, and rear property lines, except garage or carport entrances	 0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards	 5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, except that the interior side setback for the attached side of attached single-unit	 10 ft.; single-unit dwellings (detached or attached) subject to NCR standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Garage/carport entrance setback from street	20 ft.	dwellings is 0 ft.	20 ft.
Building setback from alley or walkway	5 ft.	20 ft. 5 ft.	Not applicable

17.34.050 [Reserved]

17.34.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.34.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.34.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

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

17.34.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

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.

17.34.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.34**~~
~~**NELSCOTT PLAN (NP) DISTRICT**~~
~~**Sections:**~~
~~**Article I. Nelscott Plan District – General Provisions**~~
~~**17.34.005 Definitions.**~~
~~**17.34.010 Purpose and overall guiding principles.**~~
~~**17.34.020 Nelscott district overlay zones.**~~
~~**17.34.030 Applicability of municipal code regulations.**~~
~~**17.34.040 Administration of design standards.**~~

~~**Article II. Nelscott Land Use Standards**~~
~~**17.34.050 Permitted uses.**~~
~~**17.34.060 General development standards.**~~
~~**Article III. Nelscott Design Standards**~~
~~**17.34.070 Purpose.**~~
~~**17.34.080 Block layout.**~~
~~**17.34.090 Buildings and structures.**~~
~~**17.34.100 Streetscapes.**~~
~~**17.34.110 Pedestrian spaces.**~~
~~**17.34.120 Off-street parking and circulation.**~~
~~**17.34.130 Pedestrian access.**~~
~~**17.34.140 Landscaping.**~~
~~**17.34.150 Signs.**~~
~~**17.34.160 Exterior lighting.**~~

~~**Article I. Nelscott Plan District – General Provisions**~~

~~**17.34.005 Definitions.**~~
~~**Note: The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.**~~
~~**"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.**~~
~~**"Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex primary dwelling unit or located on the same lot, having an independent primary means of access, visually subordinate to the primary dwelling, and having a total floor area of not more than 750 square feet.**~~
~~**"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.**~~
~~**"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.**~~
~~**"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.**~~
~~**"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.**~~
~~**"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.**~~

~~"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~
~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~
~~"Facade" means the front or principal face of a building; any side of a building that faces a street, way, or pedestrian space.~~
~~"False-front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~
~~"Fenestration" means the arrangement and design of windows and doors in a building.~~
~~"Grade" means the surface elevation of the ground.~~
~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~
~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~
~~"Medallion" means a small decorative detail used to accent a building's exterior.~~
~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~
~~"Parapet" means a low protective wall at the edge of a roof.~~
~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~
~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~
~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~
~~"Pier" means a portion of a wall between windows, doors or other openings.~~
~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~
~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~
~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~
~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines~~

~~and inventories prepared by the Arts Committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~17.34.020 Nelscott district. overlay zones.~~

~~The NP district consists of three subdistricts as shown on the Zoning Map in Exhibit A attached to the ordinance codified in this chapter.~~

~~A. Nelscott Business District (NBD). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott commercial core along Highway 101 and to concentrate the businesses in a pedestrian-friendly manner. The emphasis in this subdistrict is on providing retail, commercial, and personal services for the neighboring residents and visitors.~~

~~B. Nelscott Cottage Residential (NCR). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott residential areas located west of Highway 101. The emphasis in this subdistrict is on preserving and protecting the traditional cottage heritage in a family-friendly, pedestrian-oriented environment.~~

~~C. Nelscott Beachside Mixed Use (NBMU). The intent of this zoning subdistrict is to provide for a variety of small-scale beach-oriented commercial and residential uses in a family-friendly environment.~~

17.34.030 Applicability of municipal code regulations.

A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the NP district.

B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.

C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.

D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City Municipal Code regulations, the provisions of this chapter shall apply.

E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations, except, however, that a nonconforming residence that is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction may be rebuilt within the same footprint. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to the NP regulations.

17.34.040 Administration of design standards.

A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:

1. The applicant has requested an adjustment or modification to one or more Nelscott code standard(s), as provided in subsection (C) of this section; or

2. The applicant requests a hearing; or

3. The planning director determines that the size or scale of the development (relative to its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the

~~reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.~~

~~1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.~~

~~2. Standards use the words "shall" or "must" and are mandatory.~~

~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~

~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~

~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~

~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~

~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.~~

~~C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~

~~1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or~~

~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each standard in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street~~

~~parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These "incentives" are in addition to the "adjustments" provided in subsection (C) of this section. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~

~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments in the NBD and NBMU subdistricts.~~

~~2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with physical beach access are preferred over those that provide only visual access or no access at all. Nonoceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Design elements that show special attention to the Nelscott climate, such as innovative rain protection features, wind protection features, and solar exposure features, are encouraged. Projects going beyond basic wind and rain protection and taking advantage of solar exposure are preferred over projects that do not.~~

~~5. Sustainability. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~6. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should incorporate a tower or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation as well as their ocean-fronting elevation.~~

~~7. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years.~~

~~17.34.050 Permitted uses.~~

~~Table 17.34.050.A. identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.~~

~~Table 17.34.050.A Land Uses Allowed in Nelscott~~

~~Uses~~	~~Status of Use in District~~		
~~Use Categories~~	~~Business District~~	~~Cottage Residential~~	~~Beachside Mixed Use~~
~~Residential Categories~~			
~~Single-unit dwelling~~	~~P~~	~~P~~	~~P~~
~~Attached single-unit dwelling~~	~~P~~	~~N~~	~~P~~
~~Duplex or two-family dwelling (when developed on a minimum 7,000-square-foot lot)~~	~~P~~	~~P~~	~~P~~ P
~~Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to compliance with design guidelines~~	~~P~~	~~P~~	~~P~~ P
~~Multi-family dwellings~~	~~P~~	~~N~~	~~P~~ P
~~Mixed use~~ ~~– dwelling(s) above or abutting a ground floor commercial use~~ ~~– dwelling(s) below a ground floor commercial use fronting on Highway 101~~	~~P~~ ~~N~~	~~N~~ ~~N~~	~~P~~ P ~~P~~ P

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250		P	
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities) – lawfully existing as of June 1, 2008 – new or expanded use	 P N	 N N	 N N
Walk-up windows, ATMs, similar uses/facilities	P	N	P
Bed and breakfast inn, subject to the provisions of LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	P	N	P
Overnight accommodations, except bed and breakfast inns	P	N	P
Offices	P	N	P
Outdoor recreation, commercial	CU	N	CU
Surface parking lot, except for public facilities and parking as an accessory use	CU	CU	CU
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	N	P
Retail sales and service, greater than 60,000 square feet	N	N	N
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P
Industrial Categories			
Industrial service, excluding drive-up – fully enclosed (e.g., office) – not enclosed	 CU N	 N N	 N N
Manufacturing and production in conjunction with an allowed commercial use – fully enclosed – not enclosed	 CU N	 N N	 N N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales – fully enclosed – not enclosed	 CU N	 N N	 N N
Institutional Categories			
Basic utilities	P	P	P
Colleges	CU	N	N
Government use	P	CU	CU
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	CU	CU	CU
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses	CU	N	N
Parks and open space – pedestrian amenities – parks and recreation facilities – other open space	 P P P	 P P P	 P P P
Places of worship[1]	CU	CU	CU

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Schools	CU	CU	CU
Other Categories			
Accessory structures	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P	P	P
Radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas	CU	CU	CU
Stand-alone wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Transportation facilities (operation, maintenance, preservation and construction in accordance with the city's transportation system plan)	P	P	P

1. Together with accessory uses as specified in LCMC 17.80.160.

17.34.060 General development standards.

Except as modified through the procedures in LCMC 17.34.040 (C) and (D), the development standards in Table 17.34.060.B apply to all Nelscott uses and development.

Table 17.34.060-B Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet)	3,750 sq. ft.	3,750 sq. ft.	3,750 sq. ft.

Standard	Business District	Cottage Residential	Beachside Mixed Use
*Development must conform to lot width, depth, setback and coverage standards – Detached single-unit dwelling – Attached single-unit dwelling – Other structures	3,750 sq. ft. 3,750 sq. ft.	Not applicable 3,750 sq. ft.	3,750 sq. ft. 3,750 sq. ft.
Maximum Dwelling Unit Density – Single-unit dwelling and Duplex – Multi-unit dwelling[1]	One unit per 3,750 sq. ft. Two units per 7,000 sq. ft. As in R-M zone (high density)	One dwelling unit per 3,750 sq. ft. Two units per 7,000 sq. ft Not applicable	One dwelling unit per 3,750 sq. ft. Two units per 7,000 sq. ft As in R-M zone (high density)
Minimum Lot Width	50 ft.	35 ft.	50 ft.
Minimum Lot Depth	50 ft.	50 ft.	50 ft.
Building /Structure Height Maximum height (see exception in LCMC 17.34.090(B)(2)(a) Minimum Height	45 ft. 18 ft.	35 ft. None	35 ft. None
Fences, retaining /garden walls Max. height – Front and street yards Max height – Interior side and rear yards	3.5 ft. 6 ft.	3.5 ft. 6 ft.	3.5 ft. 6ft. except as may be prohibited in coastal zone
Building Coverage Maximum building coverage (footprint of building including projections such as balconies, cantilevers, etc)	90%	35%[2]	80%
Min. Landscape Area (% site area), except does not apply to single-family	10%.	10% (may be reduced to 5%	10% (may be reduced to 5%

Standard	Business District	Cottage Residential	Beachside Mixed Use
dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100.		where at least one significant pine is preserved on site, subject to site plan review)	where at least one significant pine is preserved on site, subject to site plan review)
Minimum Setbacks *feet) (See also LCMC 17.34.090.(B)(2)(h)(ii), Height Step-Back) Front, street, side, and rear property lines, except garage or carport, and subject to building code Garage/carport entrance setback from street Alley or walkway, Building setback from alley or walkway	0 ft., except as required for utility easements; single-unit dwellings) subject to NCR standards 20 ft. 5 ft.	5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, 20 ft. 5 ft.	10 ft.; single-unit dwellings (detached or attached) subject to NCR standards 20 ft. Not applicable
Build-To Line (feet): New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may also be increased through site plan review when pedestrian amenities are provided between a primary building entrance and the street right-of-way	10 ft.	Not applicable	Not applicable

Standard	Business District	Cottage Residential	Beachside Mixed Use
Special setback for planned street improvements	30 feet from the street centerline where the ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.	30 feet from the street centerline where the ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.	30 feet from the street centerline where the ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.

Article III. Nelscott Design Standards

17.34.070 Purpose.

The Nelscott design standards are intended to implement the vision for Nelscott, specifically to help ensure that new buildings and rehabilitated existing buildings convey an image consistent with local history and the Oregon coastal environment. The standards reflect the following values and objectives:

• Retain Nelscott's compact, walkable character and the traditional small-scale commercial development in the Highway 101 commercial area;

• Promote the formation of pedestrian-friendly facilities and structures;

• Encourage architectural variety, consistent with the eclectic character of Nelscott; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building;

• Encourage the use of contextually appropriate materials, textures and colors;

• Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district;

• Break down large building masses and provide visual interest along the street;

• Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and facade elements;

• Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 § 4(3)(A))

~~17.34.080 Block layout.~~

~~A. Intent. New development and redevelopment projects should reinforce the historic street grid of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside such buildings. Parking should be provided on-street where shoulders are approved to accommodate parking spaces or bays. By maintaining the integrity of Nelscott's historic form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.~~

~~B. Standards.~~

~~1. Rights-of-Way.~~

~~a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve abutting streets and walkways.~~

~~b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that the development will improve the pedestrian environment.~~

~~2. Street Access.~~

~~a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT may require vehicle access be provided from side streets, and existing highway approaches be consolidated as a condition of development approval.~~

~~b. The alignment of streets and walkways shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of a walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in width (consistent with the existing width of the walkway), subject to site plan review.~~

~~c. Walkways shall be contained in a public right-of-way or public access easement improved to city standards.~~

~~3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))~~

~~17.34.090 Buildings and structures.~~

~~A. Single-Family Dwellings and Duplexes.~~

~~1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure that new buildings and rehabilitated dwellings convey an image consistent with local history and the Oregon coastal environment. Clear and basic building forms and quality design details are preferred.~~

~~2. Incentives.~~

~~a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines below is eligible for an accessory dwelling unit.~~

~~b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is eligible for increased building coverage of 10 percent. For example, if a dwelling would be allowed 35 percent building coverage without compliance, with compliance it would be entitled to 45 percent building coverage.~~

~~3. Guidelines.~~

~~a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim that enrich the visual quality of the community. High quality architectural embellishments are encouraged.~~

~~b. Facades. The facades are the fronts of the dwellings and convey the relationship of the building to the street and neighborhood. They include windows, doors, shutters, awnings, molding, porches, steps, stoops, and other design elements arranged to convey the character of the building. One- to two-story homes are encouraged. Porches are common in Nelscott and should be provided unless the configuration of the lot precludes it. High-quality exterior woodwork and attention to detail elements is encouraged. Garage entrances should not be a part of the primary building facade.~~

~~c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should include chimneys as design elements.~~

~~d. Texture and Materials. In Nelscott many homes use textures and materials that relate to elements of the local natural environment, such as river rock chimneys, wood shingled siding, brick, and exposed aggregate paving. Dwellings should make use of high-quality natural materials and should be sided with historic wood materials such as shingles, clapboard, bevel siding, or board-and-batten. Foundations should be faced with rock.~~

~~e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting, walkways and other hard surface gathering areas. Landscape materials add value to homes by enhancing the outdoor space and relate to the architecture of the building and surrounding areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials should predominately incorporate native materials such as wood and rock and hardy native plantings. The front yard should consist primarily of landscaping, and should not be dominated by paved parking areas.~~

~~B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed Use District.~~

~~1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an iconic element of Nelscott's image. Commercial development and redevelopment along the highway should continue the pattern established in the existing Nelscott Strip. Therefore building design standards for the business district draw on the design elements characterizing the strip while allowing for design variety. In the Beachside mixed use area, the building design standards draw on the cottage-scale development that exists there now. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base.~~

~~The key elements of the building design standards are:~~
~~• Eclectic coastal architecture, including commercial and mixed use development;~~
~~• Building height and articulated facades that create a sense of street enclosure at a human scale;~~
~~• Contextually appropriate materials, textures and colors;~~
~~• Storefront character (windows, pedestrian shelter, furnishings, etc.);~~
~~• Adaptable building styles that comfortably accommodate commercial and mixed land uses;~~
~~• A diversity of building facades and rooflines that fall into a consistent rhythm;~~
~~• Corner lots as focal points with vertical elements, furnishings and public art.~~
~~2. Standards.~~
~~a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed height may be allowed through site plan review. To the extent they are permitted, building stories and projections exceeding 35 feet in height must be recessed behind the next lower building stories by not less than 10 feet, unless a lesser recess is allowed through site plan review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of this section.~~
~~b. Building Form.~~
~~i. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper stories generally are accommodated within gables and dormers (either gable or shed). New buildings should reflect the predominant form while expressing individuality, for example with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.~~
~~ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(2)(c) of this section.~~
~~iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area, usually incorporating front-facing dormers, and this form shall be followed on new buildings. Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Nelscott forms are prohibited.~~
~~c. Storefront Character.~~

~~i. Fenestration (Windows and Doors).~~
~~(A) Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~
~~(B) Standard. Consistent with the desired storefront character, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces and on elevations containing a primary entrance.~~
~~d. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~
~~e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or walkway. All primary entrances shall be covered for a depth of not less than five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.~~
~~f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section and LCMC 17.34.100, Streetscapes.)~~
~~g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the impression of being individual, small-scale structures. This may be accomplished by providing a minimum six-foot separation between individual buildings, by a significant change in roofline combined with changes in cladding material and recessed entryways at the point of change, or by other means approved by the reviewing authority. Building separations shall contribute positively to the pedestrian environment, for example by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~
~~h. Building Mass.~~
~~i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Nelscott. Changes in facade material, window design, facade height or decorative details are examples of techniques~~

~~that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts.~~

~~ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of 10 feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (A) of this section. The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of this section. Any projection exceeding 45 feet shall not contain habitable floor space.~~

~~iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt courses, or similar detailing, materials and/or fenestration.~~

~~i. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~j. Openings.~~

~~i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged.~~

~~ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows.~~

~~iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such items shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s) or sidelights beside the door.~~

~~v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.34.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are~~

~~not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.34.110, Pedestrian spaces.)~~

~~vii. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~k. Horizontal Rhythms.~~

~~i. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot-line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops.~~

~~ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy lines, belt courses between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines.~~

~~iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs).~~

~~l. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.~~

~~m. Materials and Color.~~

~~i. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and Substitute Materials.~~

~~ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this section may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

~~iv. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in muted or earth tones to minimize glare.~~

~~v. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~vi. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~n. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, walkway, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~Exception: The reviewing authority may reduce the minimum shelter depth upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.~~

~~o. Mechanical Equipment.~~

~~i. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, private antennas, private satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to a walkway, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~ii. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.~~

~~iii. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(C))~~

~~17.34.100 Streetscapes.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. The Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.34.080, Block layout, and 17.34.110, Pedestrian spaces. When streetscape improvements are required of new development, such improvements shall conform to the TSP.~~

~~2. Local Streets. LCMC 17.34.080 provides standards for local street improvements.~~

~~3. Pedestrian Amenities. LCMC 17.34.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord. 2008-18 § 4(3)(D))~~

~~17.34.110 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Nelscott require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Nelscott. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments (but including mixed use developments), shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are~~

~~those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent percent requirement. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))~~

~~17.34.120 Off-street parking and circulation.~~

~~A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.~~

~~B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required~~

~~parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.~~

~~3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.~~

~~4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or~~

~~pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))~~

~~17.34.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))~~

~~17.34.140 Landscaping.~~

~~A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five~~

~~percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two inch caliper at time of planting.~~

~~g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least a three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

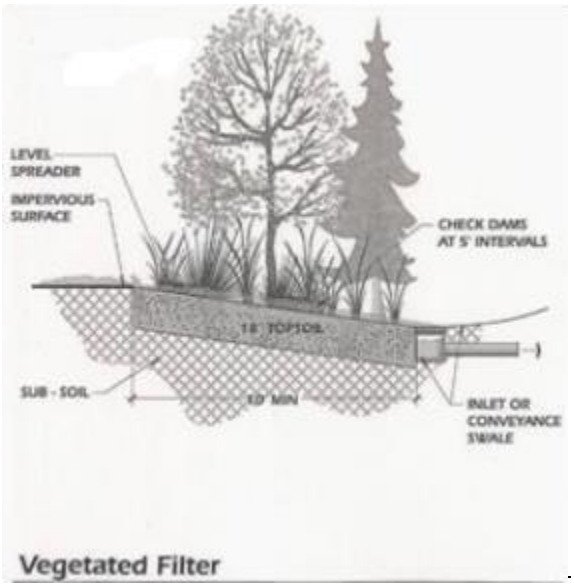
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

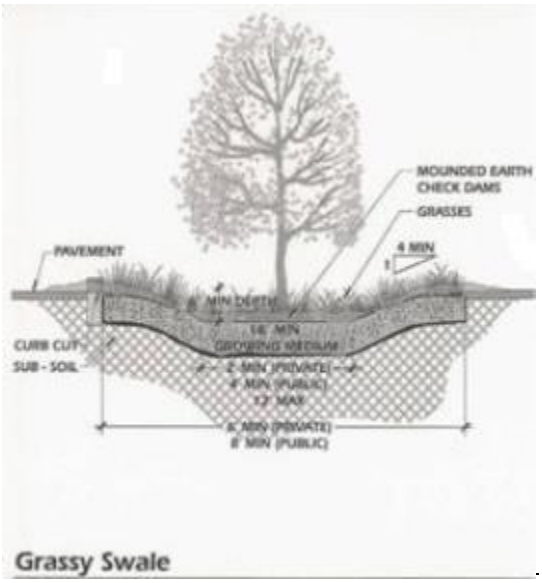
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.~~

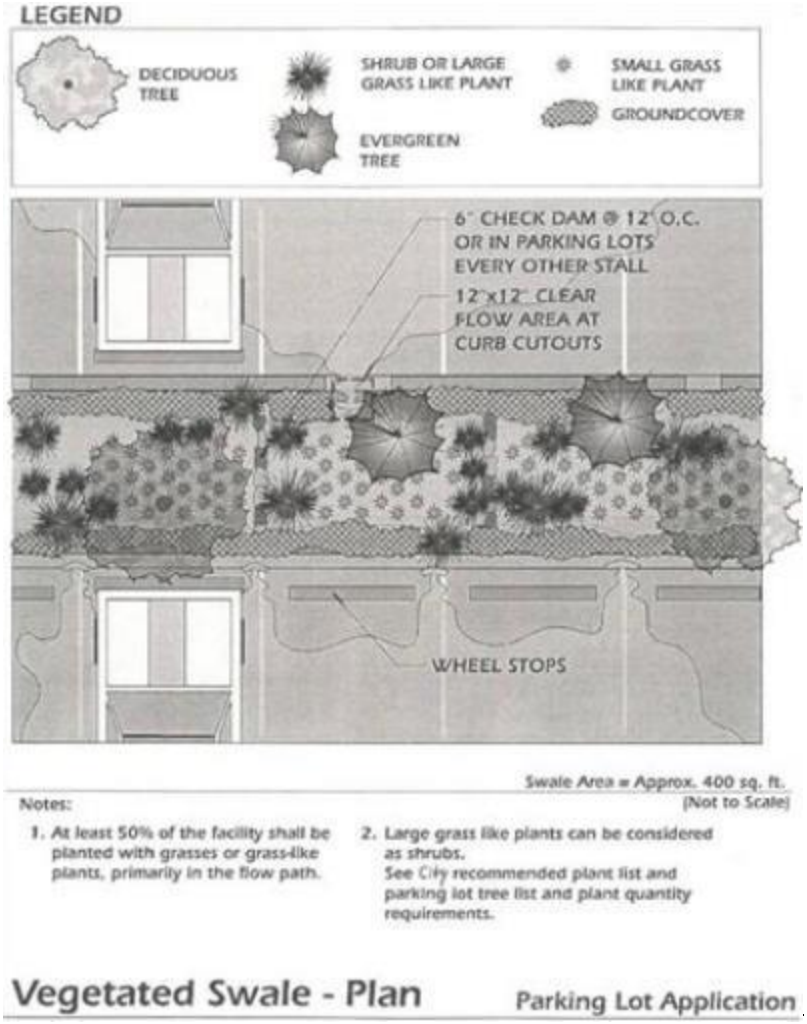
~~**5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)**~~



Vegetated Filter



Grassy Swale



~~Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.~~

~~(Ord. 2008-18 § 4(3)(H))~~

~~17.34.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development~~

~~application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.~~

~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.~~







~~**Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).**~~

~~**(Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(I))**~~

~~**17.34.160 Exterior lighting.**~~

~~**A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Nelscott should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas.**~~

~~**B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this chapter are allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.**~~

~~**1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High-pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may also be used.**~~

~~**a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one to two foot-candles for such areas is required.**~~

~~**b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)**~~

~~**c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of a historic style are encouraged.**~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~

~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with the standards set out in subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.~~







~~**Figure 17.34.160: Examples of acceptable lights.**~~

SECTION 7. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core (TVC) Zone*), is hereby amended as follows:

Chapter 17.45
TAFT VILLAGE CORE (TVC) ZONE

Sections:

17.45.010 Purpose.
17.45.020 Permitted Uses.
17.45.030 [*reserved*]
17.45.040 [*reserved*]
17.45.050 Site development standards
17.45.060 Landscaping.
17.45.070 Signs.
17.45.080 Supplemental Regulations and Exceptions.
17.45.090 Off-Street parking and loading.
17.45.100 Restrictions.
17.45.090 Off-Street parking and loading.
17.45.100 Design Standards.
17.45.110 Restrictions.
17.45.120 Conflicts.

17.45.010 Purpose.

The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.

17.45.020 Permitted uses.

Table 17.45.020.A identifies the land uses allowed in TVC. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.45.020-1 Land Uses Allowed in TVC

Uses	Status of Use
A. Administrative and Professional Offices	
Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate.	**P**
B. Automotive Related Uses	
Commercial establishments which provide parts, repair and service for motor vehicles:	
1. Auto parts/supplies sales – No installations	**P**
2. Auto parts/supplies sales – With installations	**N**
3. Car washes	**N**
4. Fuel/service stations	**N**
5. Vehicle (car, RV and truck) sales/leasing	**N**
C. Boarding and Lodging Facilities[1]	
Commercial establishments which provide boarding and lodging facilities:	
1. Bed and breakfast accommodations	**P**
2. Condominiums with 10 units or less and with nightly rentals[2]	**C**
3. Hotels/motels with 10 units or less	**P**
4. Recreational vehicle parks	**N**
5. Time-share units	**C**
6. Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	**P**
D. Eating/Drinking Establishments	
Commercial establishments which serve prepared food or beverages for consumption on or off the premises:	

Uses	Status of Use
1. Night clubs/bars/lounges/micro-brew pubs	P
2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.)	P
3. Restaurants – with drive-throughs	N
4. Restaurants – with walk-up windows (with or without seating)	P
5. Sidewalk cafes	C
6. Wine tasting	P
E. Entertainment/Recreation Establishments	
Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.	
1. Auditoriums, convention centers, movie theaters, museums	C
2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)	C
3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)	C
F. Financial	
Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.	
1. Financial land use, with no ATMs	P
2. Financial land use, with interior ATMs	P
3. Financial land use, with exterior ATMs	C
4. Interior ATMs, as an accessory to another permitted or conditionally permitted use	C
5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use	N
G. Mixed Use	
Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.	P

Uses	Status of Use
H. Personal Service	
Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage.	P
I. Residential	
1. Single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	P
2. Attached single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	P
3. Duplexes, subject to the provisions of Chapter 17.16 LCMC	P
5. Multi-unit dwellings, subject to the provisions of Chapter 17.20 LCMC and Chapter 17.74. LCMC	P
6. Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P
7. Manufactured homes, subject to the provisions of LCMC 17.52.250	P
8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P
J. Retail Commercial	
Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses.	P
Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.	P
K. Service Commercial	
Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only).	P
L. Other Uses	
1. Ambulance service	C
2. Art gallery and studio	P
3. Places of worship[3]	C
4. Clubs, lodges, meeting halls	C

Uses	Status of Use
5. Home occupations	P
6. Handicraft-type industries with on-site sales (i.e., crafts, saddles)	P
7. Parks/playgrounds/community gardens	C
8. Police/fire facilities	C
9. Public facilities/public parking lots	P
10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010	C
11. Public utility or utility substation	C
12. Essential emergency communications, early warning and associated emergency facilities	P
13. Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of standards of LCMC 17.80.080	P
14. Animals and gardens, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P
15. Transportation uses	P
16. Docks, subject to the provisions of LCMC 17.44.040	C

1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

3 Together with accessory uses as specified in LCMC 17.80.160.

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

A. Development standards for single-unit residential uses shall be in accordance with Chapter 17.16 LCMC.

B. Development standards for multi-unit residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200).

D. Minimum setbacks are zero feet and maximum setbacks are 10 feet.

E. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

F. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.

G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

H. Outdoor Sales. All commercial uses, including repair, service and storage, shall be conducted within a completely enclosed building or be completely screened from view from off the subject site, except that the outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries, beach equipment shops, kite shops, and similar specialty and craft businesses is permitted in the TVC zone subject to the following provisions:

1. Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet is maintained clear of any obstructions and the city grants a right-of-way incursion permit;

2. No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this title;

3. The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business; and

4. Only merchandise normally available at the associated business may be displayed outdoors.

I. Sidewalk Cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Taft and are encouraged. The purpose of this subsection is to set out the conditions and requirements under which a sidewalk cafe may be permitted to operate on a public sidewalk within the TVC zone.

1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in accordance with Chapter 17.60 LCMC.

2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a separate permit for sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-way.

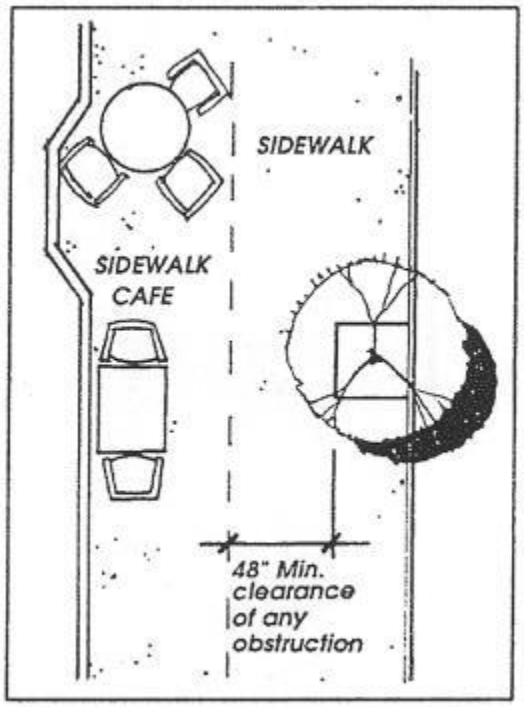
3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to the sidewalk cafe being situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.

a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the cafe; provided, that the area in which the sidewalk cafe is located extends no farther

along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.

b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location on the sidewalk.

c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe, consistent with the Americans with Disabilities Act. There shall be a minimum 60-inch clear distance free of all obstructions, in order to allow adequate pedestrian movement.



d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a conditional use permit.

e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except for the name of the establishment on an awning or umbrella valance.

f. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen.

g. The service of beer or wine, or both, must be solely for on-premises consumption by customers and must be expressly authorized as part of a conditional use permit approval.

h. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the planning director, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.

i. Outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. All exterior surfaces within the cafe shall be easily cleaned and shall be kept clean at all times by the permittee.

j. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.

k. Hours of operation shall be no greater than those of the indoor restaurant or delicatessen.

l. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the city will prohibit the operation of the sidewalk cafe.

m. No off-street parking is required for a sidewalk cafe.

17.45.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.45.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.45.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

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

17.45.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

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.

17.45.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.45**~~
~~**TAFT VILLAGE CORE (TVC) ZONE**~~
~~**Sections:**~~
~~**17.45.010 Purpose.**~~
~~**17.45.020 Application.**~~
~~**17.45.030 Definitions.**~~
~~**17.45.040 Land use activities.**~~
~~**17.45.050 Site development standards.**~~
~~**17.45.060 General preferences, requirements and standards.**~~
~~**17.45.070 Signs.**~~
~~**17.45.080 Parking.**~~
~~**17.45.090 Development incentives.**~~
~~**17.45.100 Nonconforming uses and structures.**~~

~~**17.45.010 Purpose.**~~
~~**The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.**

~~**17.45.020 Application.**~~
~~**The TVC zone constitutes the primary zoning provisions (development standards) for the core area of the village of Taft. The requirements of this chapter are in addition to other requirements of this title. If there is a conflict between the regulations provided in other chapters of this title and this chapter, the regulations provided in this chapter shall prevail. Where direction is not provided in this chapter, provisions in other chapters of this title shall prevail.**

~~**17.45.030 Definitions.**~~
~~**For purposes of the TVC zone, the following definitions shall apply:**~~
~~**"Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and financial patrons for conducting transactions including deposits, withdrawals, and fund transfer, without contact with financial institution personnel.**~~
~~**"Building facade" means the entire building front including the parapet.**~~
~~**"Building facade – primary" means the side of a building that faces the street and has a main pedestrian entrance from the street.**~~
~~**"Building footprint" means the ground surface area above which a building, including cantilevered parts of the building, is located.**~~

~~"Building orientation" means the manner in which the building is positioned on a lot and its architectural features relate to surrounding structures, spaces, and landscapes.~~
~~"Development incentives" means discretionary measures provided to applicants of new development by the city of Lincoln City or the urban renewal agency to encourage improvements with a pedestrian orientation.~~
~~"Edge treatment" means the design treatment of the setback between a building facade and an adjacent street.~~
~~"Floor area – gross" means the total area of all floors in a structure, or on a specified level of a structure, as measured from the outside surface of exterior walls or the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.~~
~~"Joint use parking" means the sharing of parking areas by two or more uses, structures, or parcels of land to satisfy parking requirements, reduce the amount of land dedicated to vehicular parking, and increase the amount of land available for new development, plazas, or other uses.~~
~~"Mixed use" means a development that includes a mix of commercial and residential uses that are planned and developed together on the same site or adjoining sites. The mix of uses may occur in the same building or in separate buildings.~~
~~"Monument sign" means a freestanding sign that is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.~~
~~"New development" means any construction, or alteration of an existing structure or land use, or establishment of a land use, after December 31, 2000.~~
~~"Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent existing commercial establishment.~~
~~"Pedestrian orientation" means any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians, including but not limited to:~~
~~1. Street furniture;~~
~~2. Design amenities related to the street level such as awnings, pedestrian connections, colonnades, and arcades;~~
~~3. Visibility into buildings at the street level;~~
~~4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;~~
~~5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;~~
~~6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;~~
~~7. Pedestrian-oriented signs; and~~
~~8. Landscaping.~~
~~"Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented and scaled to the pedestrian rather than the motorist.~~

~~"Plaza" means a public or private area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are pedestrian areas typically provided with amenities such as seating, fountains, art, and landscaping. The paving or surface materials of plazas must comply with Americans with Disabilities Act requirements.~~

~~"Pole sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building and are separated therefrom by a distance of at least six inches.~~

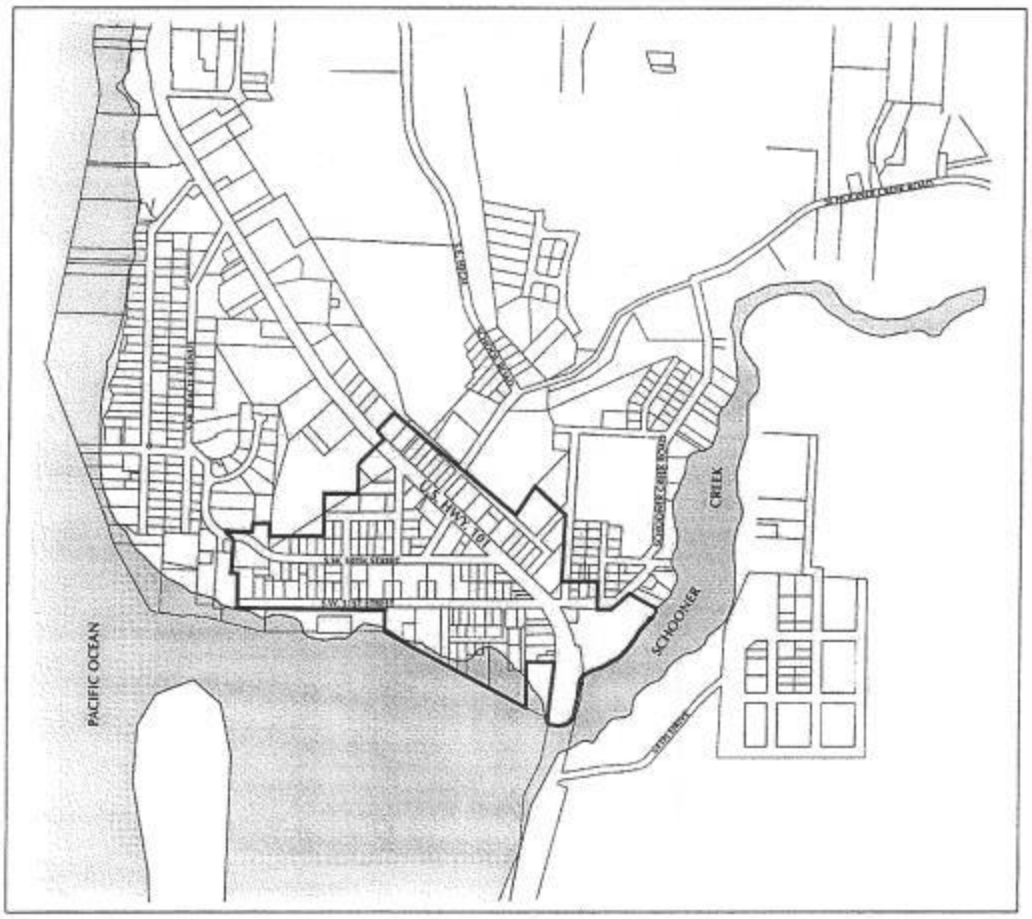
~~"Setback" means the distance by which a structure or parking area must be separated from a lot line or other structure.~~

~~"Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.~~

~~"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above or, if there is no floor above, the space between the floor and the ceiling.~~

~~"Structured parking" means a structure established for the short-term storage of operative vehicles for patrons. Structured parking can be constructed as an accessory to another primary use or uses that require the provision of off-street parking.~~

~~"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).~~



Taft Village Core

~~17.45.040 Land use activities.~~

~~This section contains a matrix that establishes which land uses are permitted (P), conditionally permitted (C), or expressly prohibited (–) within the TVC zone. A conditionally permitted use requires approval of a use permit by the planning commission in compliance with applicable provisions of Chapter 17.60 LCMC. If a particular use is not listed, the planning director shall be responsible to make a use determination to decide if the proposed use is similar to a listed use. Unless a proposed use is determined to be similar to a listed permitted or conditionally permitted use, it is a prohibited use. A permitted or conditionally permitted use may be subject to site plan review in accordance with LCMC 17.52.240.~~

TVC Land Use Activity	P or C
A. Administrative and Professional Offices	-
Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate.	P
B. Automotive Related Uses	-
Commercial establishments which provide parts, repair and service for motor vehicles:	-
1. Auto parts/supplies sales – No installations	P
2. Auto parts/supplies sales – With installations	–
3. Car washes	–
4. Fuel/service stations	–
5. Vehicle (car, RV and truck) sales/leasing	–
C. Boarding and Lodging Facilities[1]	-
Commercial establishments which provide boarding and lodging facilities:	-
1. Bed and breakfast accommodations	P
2. Condominiums with 10 units or less and with nightly rentals[2]	C
3. Hotels/motels with 10 units or less	P
4. Recreational vehicle parks	–
5. Time-share units	C
6. Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P
D. Eating/Drinking Establishments	-
Commercial establishments which serve prepared food or beverages for consumption on or off the premises:	-
1. Night clubs/bars/lounges/micro-brew pubs	P
2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.)	P
3. Restaurants – with drive-throughs	–
4. Restaurants – with walk-up windows (with or without seating)	P
5. Sidewalk cafes	C
6. Wine tasting	P

TVC Land Use Activity	P or C
E. Entertainment/Recreation Establishments	-
Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.	-
1. Auditoriums, convention centers, movie theaters, museums	C
2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)	C
3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)	C
F. Financial	-
Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.	-
1. Financial land use, with no ATMs	P
2. Financial land use, with interior ATMs	P
3. Financial land use, with exterior ATMs	C
4. Interior ATMs, as an accessory to another permitted or conditionally permitted use	C
5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use	–
G. Mixed Use	-
Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.	P
H. Personal Service	-
Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage.	P
I. Residential	-
1. Single-family dwellings, in accordance with Chapter 17.16 LCMC	P
2. Attached single-family dwellings, in accordance with LCMC 17.52.260	P
3. Two-family and duplexes, in accordance with Chapter 17.16 LCMC	P
4. Multifamily dwelling units, with edge treatment B, in accordance with R-M zone standards	C
5. Multifamily dwelling units, with edge treatment A or C, in accordance with R-M zone standards	P
6. Accessory dwelling units, in accordance with LCMC 17.45.060 (D)	P

TVC Land Use Activity	P or C
7. Manufactured homes, in accordance with Chapter 17.16 LCMC and LCMC 17.52.250	P
8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P
J. Retail Commercial	-
Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses.	P
Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.	P
K. Service Commercial	-
Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only).	P
L. Other Uses	-
1. Ambulance service	C
2. Art gallery and studio	P
3. Places of worship[3]	C
4. Clubs, lodges, meeting halls	C
5. Home occupations	P
6. Handicraft-type industries with on-site sales (i.e., crafts, saddles)	P
7. Parks/playgrounds/community gardens	C
8. Police/fire facilities	C
9. Public facilities/public parking lots	P
10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010	C
11. Public utility or utility substation	C
12. Essential emergency communications, early warning and associated emergency facilities	P
13. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080	P
14. Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P
15. Transportation uses, defined in Chapter 17.08 LCMC	P

TVC Land Use Activity	P or C
16. Docks, subject to the provisions of LCMC 17.44.040	C

1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.
2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.
3 Together with accessory uses as specified in LCMC 17.80.160.

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

A. Development standards for single-family residential uses shall be in accordance with Chapter 17.16 LCMC, except as modified in this section.

B. Development standards for multiple-family residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC, except as modified in this section.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200, e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed roofline. Buildings of more than two stories shall be set back on the street sides of each successive story of the building (above the second story) a minimum of 10 feet from the building face of the next immediate lower story.

D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-1 and Figure 17.45.050-A.

E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback from face of curb shall be provided.

F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be provided to the curb line within the existing street right-of-way along street frontages designated for edge treatment A. (Figure 17.45.050-A)

G. Public facilities are exempt from site development standards.

H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.

I. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.

K. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

Table 17.45.050-1			
	Edge Treatments		
	A – Street Adjacent	B – Semi-Street Adjacent	C – Setback from Street
Description	Street Adjacent – Pedestrian Orientation. This edge treatment requires placing the front elevation or landscaping of new development on the front property line and at the sidewalk edge to create a strong relationship between buildings and the street, excluding architectural projections or other architectural features.	Semi-Street Adjacent – Landscaped Perimeters. This edge treatment requires landscaped setbacks of a minimum five feet between buildings and streets, interrupted only by pedestrian areas, plazas, and sidewalks.	Setback from Street – Limited Parking. This edge treatment requires one bay of parking (one to two rows plus aisle) between the street and new development, with landscaped parkway or street trees accenting the sidewalk edge.
General Areas of Applicability	Highway 101, 51st Street, Fleet Avenue, and portions of local streets. Refer to Figure 17.45.050-A for specific edge condition locations.	Cottage commercial and residential environments. Refer to Figure 17.45.050-A for specific edge condition locations.	Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific edge condition locations.
Key Details	• Avoid setbacks from the sidewalk edge. • Create continuous pedestrian activity in an uninterrupted sequence by minimizing gaps between buildings,	• Create pedestrian connections between buildings. • Use landscaped setbacks to create "outdoor rooms" with plazas and gardens.	• Create pedestrian linkages from the public sidewalk to building perimeter and entries. • Provide vehicular access and pedestrian connections to

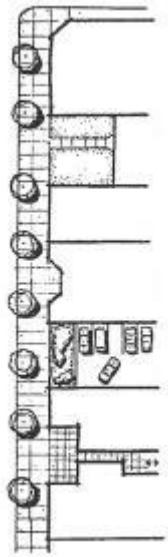
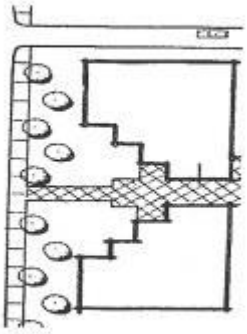
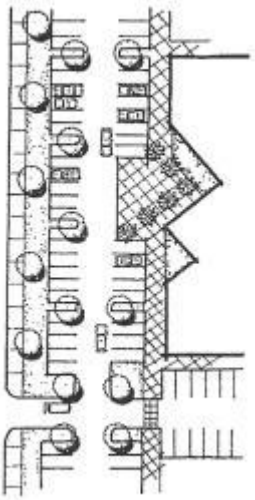
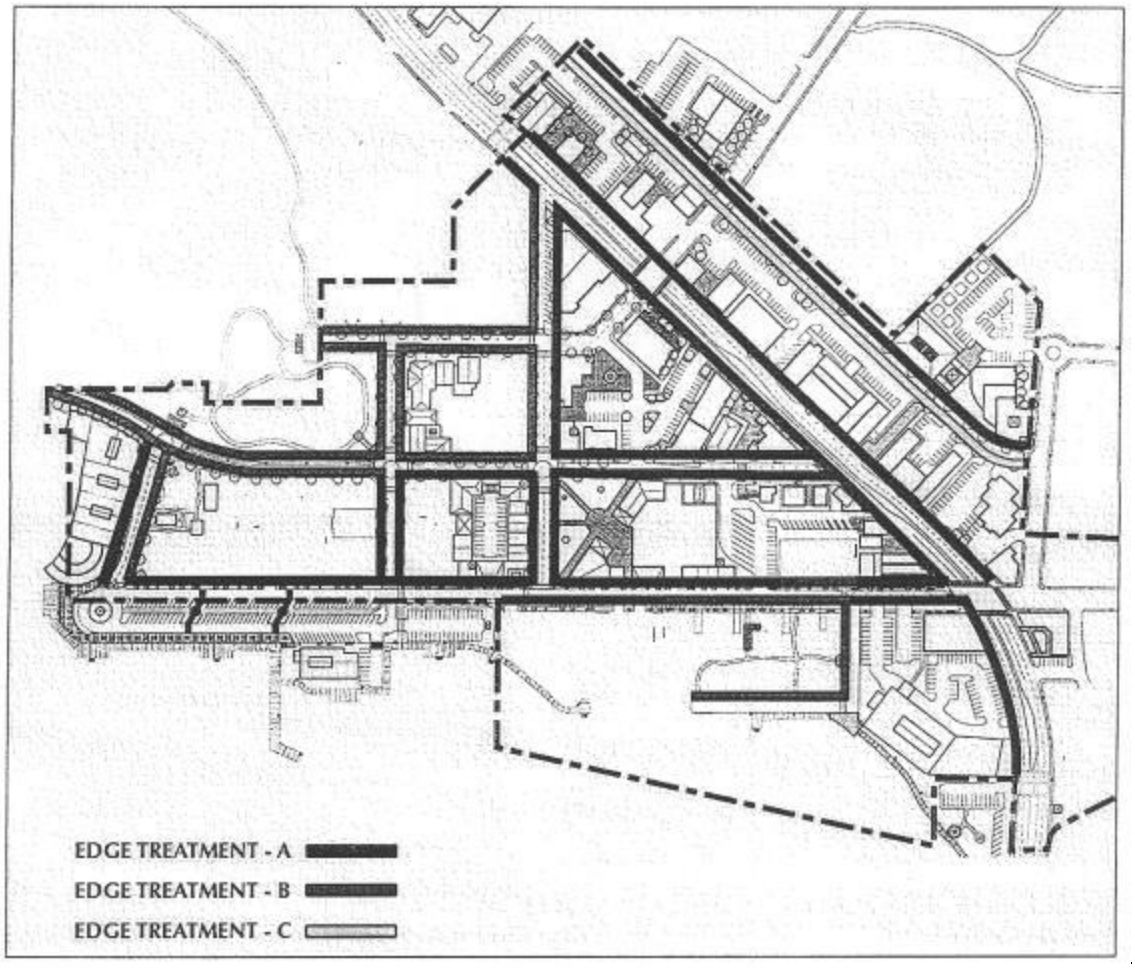
Table 17.45.050-1			
	Edge Treatments		
	A – Street Adjacent	B – Semi-Street Adjacent	C – Setback from Street
	blank walls and parking lots. • Create pedestrian connections to parking lots at the rear or sides of buildings. • Use building indentations to create small pedestrian plazas along the street wall.	• Parking absent from front yards and landscaped setbacks.	adjoining parcels whenever possible. • Provide accent landscaping and enhanced paving at vehicular entries.
Edge Illustration			

Figure 17.45.050-A



17.45.060 General preferences, requirements and standards.

The following general preferences, requirements and standards apply to new development in the TVC zone.

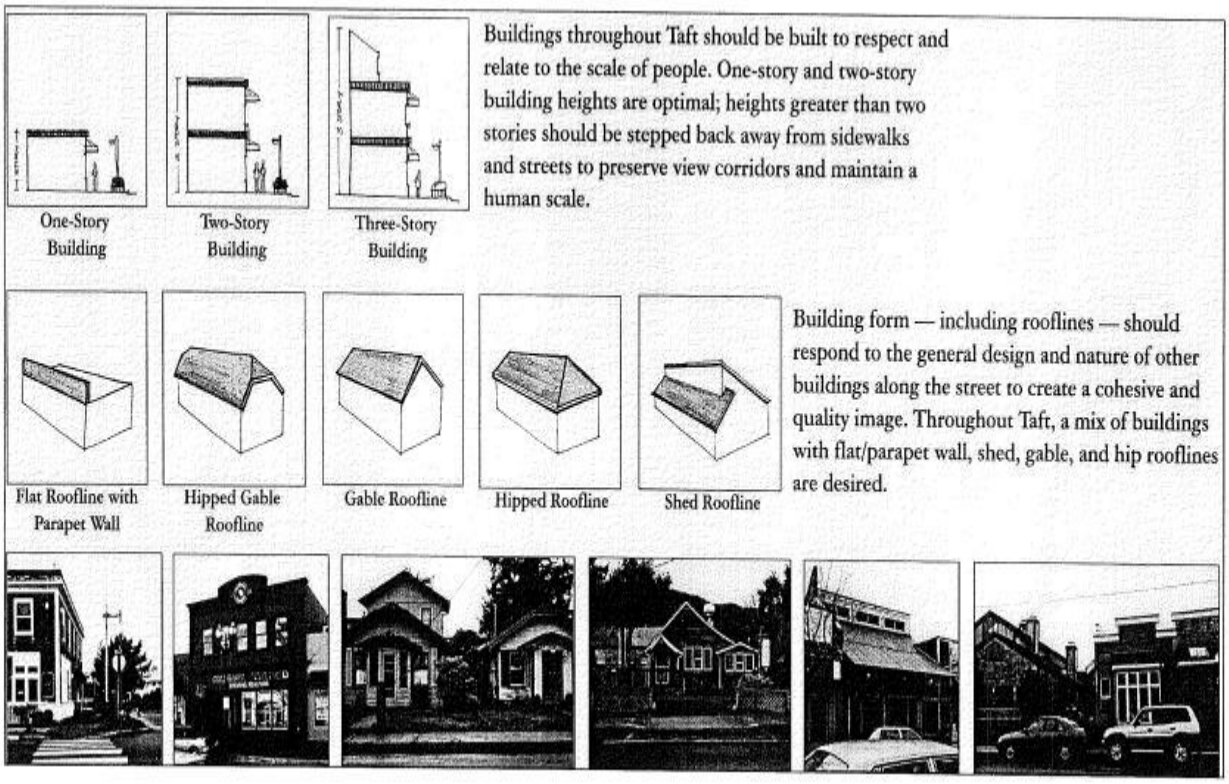
A. Preferences. This subsection (A) is intended to promote compatible and enhanced site and building design throughout the village of Taft core area. This process provides a means for property owners to implement both the comprehensive plan and the village of Taft redevelopment plan related to Taft's physical development and to the preservation of its unique character. This subsection (A) is not intended to create standards, approval criteria or legally enforceable requirements.

In reviewing projects/improvements subject to any approval, the planning director shall refer to appropriate design guidelines in the village of Taft redevelopment plan (or any others that may be adopted by the city) in order to provide guidance to applicants seeking to comply with the requirements of the village of Taft redevelopment plan and the TVC zone.

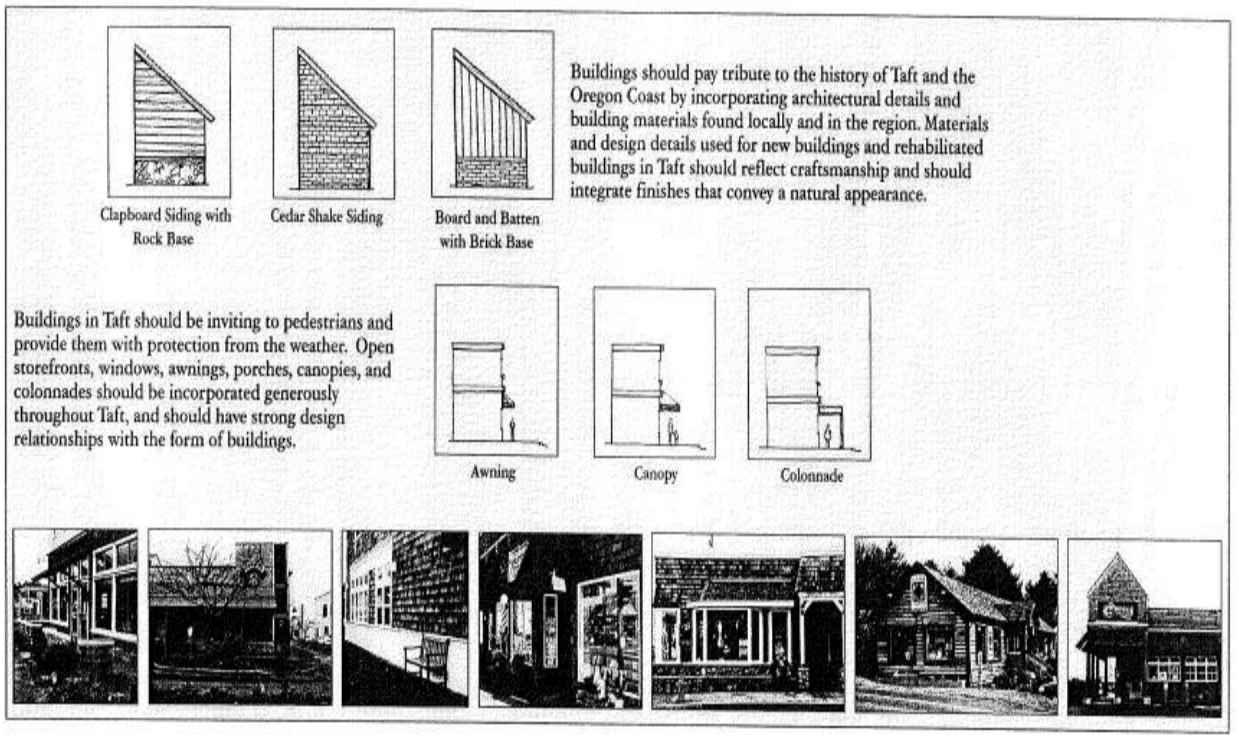
The design theme poster contained in Figure 17.45.060-A, Parts I, II, and III, is to be used by property owners, developers, architects, landscape architects and designers in the planning and design of projects in the village of Taft. The design guidance provided by

~~**the poster communicates the Lincoln City community and city's desired qualities and characteristics of development and are intended to promote quality design that is compatible with Taft's unique character and its vision for the future.**~~

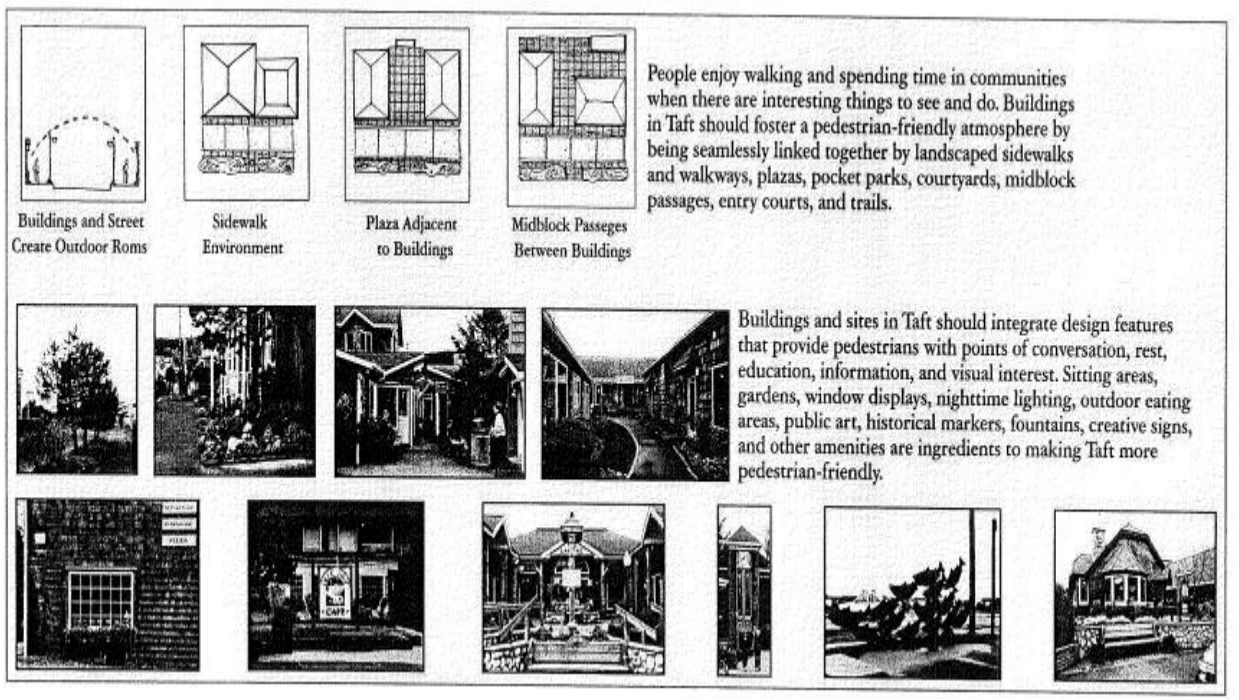
~~**Figure 17.45.060-A, Part I**~~



~~**Figure 17.45.060-A, Part II**~~



~~Figure 17.45.060-A, Part III~~



~~B. New Commercial/Mixed Use. New commercial buildings and mixed use buildings shall comply with the following pedestrian-oriented design standards and location and development criteria:~~

~~1. For building facades that face an abutting street, a minimum of 50 percent of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than 20 feet in length.~~

~~2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building facade. For lots with three or more street frontages, this standard shall apply to two lot frontages.~~

~~3. Residential units must not be located on street level.~~

~~4. Public facilities are exempt from the mixed use requirement.~~

~~C. New Multifamily and Attached Single-Family Residential.~~

~~1. These standards do not apply to mixed use development in which residential uses are located above commercial uses.~~

~~2. Building Orientation. New multifamily and attached single-family dwellings shall meet the following standards:~~

~~a. Each ground floor unit located along a street shall include a covered or recessed entry, or porch, oriented to the street.~~

~~b. Units along a street shall be oriented with building fronts parallel to the street.~~

~~3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front on a street, the following standards shall be met:~~

~~a. Only single-car garage doors are permitted;~~

~~b. Garage doors must be recessed at least three feet behind the front facade.~~

~~D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:~~

~~1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family dwelling on any residential lot that meets the minimum lot size requirement.~~

~~2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.~~

~~3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street parking will be required for an accessory dwelling unit. If such on-street parking is not available, one off-street parking space must be provided on the lot for the accessory dwelling unit in addition to the parking required for the single-family dwelling.~~

~~F. Installation of Public Improvements. Project developers are responsible for providing public improvements in compliance with city standards at the time of development, in accordance with LCMC 17.52.230. For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~

~~G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~

~~H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a two-and-one-half-foot to three-foot-high screen across the entire parking frontage except for driveways. Landscape screening may include a combination of low~~

~~hedgerow plantings, landscaped berms or low decorative masonry walls. The minimum width of a landscaped area required for screening purposes shall be five feet. In addition, landscaping shall be provided in accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the following exceptions:~~

~~1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping requirement.~~

~~2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet, where a primary building front is located adjacent to the right-of-way or adjacent to a pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface lot is not provided.~~

~~3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50 percent reduction of landscaping requirements.~~

~~4. Street trees and landscaping located in public right-of-way are exempted from the provisions of LCMC 17.52.100.~~

~~I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment, transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screening in a manner that is architecturally integrated with the main structure. Plantings may be used to screen mechanical equipment at ground level; provided, that the plantings achieve full screening upon installation.~~

~~J. Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.~~

~~17.45.070 Signs.~~

~~Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:~~

~~A. Freestanding pole signs and internally illuminated signs are prohibited.~~

~~B. Sign Area.~~

~~1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.~~

~~2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.~~

~~C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.~~

~~D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not~~

~~more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance.~~

~~17.45.080 Parking.~~

~~Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces.))~~

~~17.45.090 Development incentives.~~

~~In order to achieve the type and quality of development and revitalization envisioned for Taft, certain development incentives may be allowed to encourage developers and property owners to participate in the various programs described below. Incentive bonuses may be granted at the discretion of the planning director and nothing contained herein shall obligate the planning director to provide any of the following bonuses or give an applicant any right to any of the following bonuses.~~

~~A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the provision of pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and vitality to bayside environment.~~

~~1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas or weather protection, the following development bonuses may be available:~~

~~a. Required parking may be reduced by 10 percent; provided, that a finding can be made that adequate parking will be available to the project.~~

~~b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a finding can be made that the increased sign area does not detract from the beautification and pedestrian-oriented objectives for Taft.~~

~~c. Through the development agreement process, the planning director may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility connection fees. The extent of such bonuses may vary on a case-by-case basis between the project applicant and the planning director.~~

~~For projects meeting all three requirements (pedestrian linkage, public plazas and weather protection) the above development bonuses plus up to one additional dwelling unit for each 5,000 square feet of lot size may be available.~~

~~2. Requirements for Incentive Bonuses.~~

~~a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project must meet all of the following requirements, unless otherwise determined by the planning director:~~

~~i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.~~

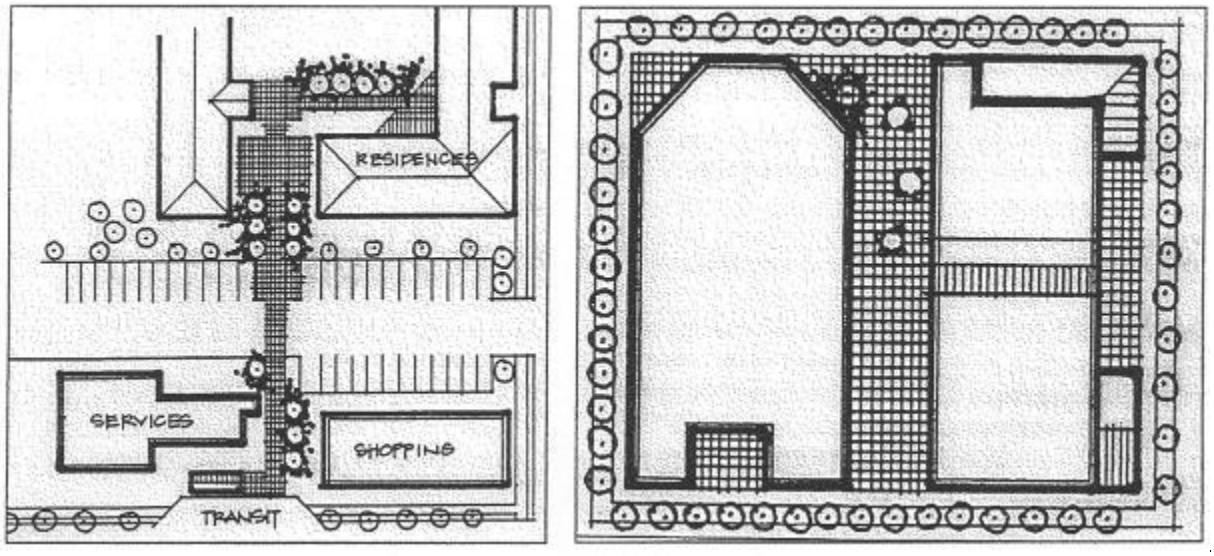
~~ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.~~

~~iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is deemed that a ground floor business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one display window per business shall be provided facing onto the pathway or linkage.~~

~~iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, attractiveness, and convenience.~~

~~v. The property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.~~

~~Pedestrian Linkages~~



~~b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must meet all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.~~

~~i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and pedestrian linkages.~~
~~ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.~~
~~iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.~~
~~iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, and seasonal changes in plant habit, scent, or floral display.~~
~~v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the public right-of-way.~~
~~vi. The property owner shall be responsible for maintenance and other liabilities of the public plazas.~~
~~c. Weather Protection. In order to qualify for incentive bonuses, a weather protection structure shall be provided along all street frontages designed for edge treatment A. Weather protection structures shall be reviewed and approved by the planning director, city engineer and all affected public utility agencies. The weather protection structure shall incorporate the following design features:~~
~~i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies, building cantilevers, and building second stories, shall provide weather protection between the building face and curb line either within the existing public right-of-way or sidewalk easement.~~
~~ii. A minimum 10-foot clearance must be achieved between the bottom of the weather protection structure and the ground below.~~
~~iii. All-weather protection structure support features such as columns, posts, pillars, etc., must be located so as to align with the existing curb line. A minimum 10-foot separation shall be achieved between support features. In addition, a sidewalk with a minimum width of five feet shall be achieved between the building face and back of curb.~~
~~iv. Where existing weather protection structures exist on adjacent properties, proposed protection structures shall be fully attached and integrated with the existing structure so as to achieve continuous weather protection along the street frontage.~~
~~v. The design of the weather protection structure and materials utilized shall generally comply with the design theme guidelines adopted for the Taft Village core and will include property owner input into alternative designs.~~
~~Figure 17.45.090-A~~



17.45.100 Nonconforming uses and structures.

A. Continuation of Nonconforming Use. A use lawfully occupying a structure or site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming use and may be continued, subject to the following regulations:

1. Routine maintenance and repairs may be performed on structures or sites the use of which is nonconforming.

2. Structures or sites, the use of which is nonconforming, may be altered, renovated, enlarged, replaced, or moved if, and only if:

a. As to any added area, at least the entire added area will be used for a use that conforms to the regulations for the Taft Village core zone; and

b. The area continuing to be used for the nonconforming use is not more than the area lawfully used for the nonconforming use immediately prior to the alteration, renovation, enlargement, replacement, or movement.

B. Continuation of Nonconforming Structure. A structure lawfully occupying a site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming structure and may be continued or replaced, subject to the following regulations:

1. Routine maintenance and repairs may be performed on nonconforming structures.

2. Nonconforming structures may be altered, renovated, enlarged, replaced, or moved if, and only if, the alteration, renovation, enlargement, replacement, or movement does not

~~cause the ultimate structure to further violate the regulation or regulations under which the structure was nonconforming.~~

~~C. Applicability of Chapter 17.64 LCMC (Nonconforming Uses). LCMC 17.64.020(A) and 17.64.030(A) shall not apply to nonconforming uses and structures in the Taft Village core zone. Except as so limited, Chapter 17.64 LCMC shall apply to nonconforming uses and structures in the Taft Village core zone.~~

SECTION 8. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.50 (*Oceanlake),* is hereby amended as follows:

Chapter 17.50
OCEANLAKE PLAN (OP) DISTRICT

Sections:
17.50.010 Purpose.
17.50.020 Oceanlake district overlay zones.
17.50.030 Permitted uses.
17.50.040 Development standards.

17.50.010 Purpose.
The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use.

17.50.020 Oceanlake district overlay zones.
The OP district consists of three design subdistricts, or overlay zones

17.50.030 Permitted uses.
Table 17.50.030-1 identifies the land uses allowed in OP. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.50.030-1 Land Uses Allowed in Oceanlake

Uses	**Status of Use**		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Residential Categories			
Household Living			

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
All residential uses allowed, if:			
Lawfully existing as of July 25, 2007	P	P	P
New dwelling(s) – ground floor	N	P	P
Dwelling(s) above a ground floor commercial use	P	P	P
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P	P	P
Manufactured homes, subject to the provisions of LCMC 17.52.250			P
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)			
Lawfully existing as of July 25, 2007	P	N	N
New or expanded use	N	N	N
Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	C	C	C
Overnight accommodations, except bed and breakfast inns	C	C	P
Offices	P	P	P
Outdoor recreation, commercial	C	C	C
Surface parking lot, except for public facilities and parking as an accessory use	N	C	N
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	P	P

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	P	P
Industrial Categories			
Industrial service, excluding drive-up			
Fully enclosed (e.g., office)	C	C	N
Not enclosed	N	N	N
Manufacturing and production in conjunction with an allowed commercial use			
Fully enclosed	C	C	C
Not enclosed	N	N	N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales			
Fully enclosed	C	C	N
Not enclosed	N	N	N
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N
Community service, including government use (public or nonprofit)	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	P	C
Parks and open space			

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Pedestrian amenities	P	P	P
Parks and recreation facilities	P	P	P
Other open space	P	P	P
Places of worship[1]			
Lawfully existing as of July 25, 2007	P	P	P
New	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures (with a permitted use)	P	P	P
Radio and television transmitter or tower	C	C	C
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P	P	P
Transportation uses	P	P	P

17.50.040 Development standards.

Table 17.50.040-1 Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Minimum lot area* (square feet)			
*Development must conform to lot width, depth, yard setback and coverage standards.			
Detached single-unit dwelling	Not applicable	5,000 sf	5,000 sf
Attached single-unit dwelling	Not applicable	2,000 sf (alley required)	5,000 sf
Other structures	5,000 sf	5,000 sf	5,000 sf
Minimum lot width	50 ft	20 ft w/alley access; or 50 ft w/out alley	50 ft
Minimum lot depth	50 ft	50 ft	50 ft
Building/structure height, per LCMC 17.50.090(B)(1)			
Maximum height	35 ft	35 ft	35 ft
Minimum height	18 ft		
Maximum building coverage	90%	80% where alley access or on-street parking provided 60% where no alley access or on-street parking provided	80%
Minimum setbacks:			
Front, street, side, and rear property lines, except garage/carport entrances	0 ft, except as required for utility easements	0 ft, except as required for utility easements	10 ft
Garage/carport entrance, setback from street	20 ft	20 ft	20 ft
Alley, building setback from alley	3 ft	3 ft	Not Applicable

~~**Chapter 17.50**~~
~~**OCEANLAKE PLAN (OP) DISTRICT**~~

~~**Sections:**~~

~~**Article I. General Provisions**~~
~~**17.50.005 Definitions.**~~
~~**17.50.010 Purpose and overall guiding principles.**~~
~~**17.50.020 Oceanlake district overlay zones.**~~
~~**17.50.030 Applicability of municipal code regulations.**~~
~~**17.50.040 Administration of design standards.**~~
~~**Article II. Land Use Standards**~~
~~**17.50.050 Permitted uses.**~~
~~**17.50.060 General development standards.**~~
~~**Article III. Design Standards**~~
~~**17.50.070 Purpose.**~~
~~**17.50.080 Block layout, alleys and connections to public parking facilities.**~~
~~**17.50.090 Buildings and structures.**~~
~~**17.50.100 Streetscapes.**~~
~~**17.50.110 Pedestrian spaces.**~~
~~**17.50.120 Off-street parking and circulation.**~~
~~**17.50.130 Pedestrian access.**~~
~~**17.50.140 Landscaping.**~~
~~**17.50.150 Signs.**~~
~~**17.50.160 Exterior lighting.**~~

~~**Article I. General Provisions**~~

~~**17.50.005 Definitions.**~~

~~**The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.**~~

~~**"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.**~~
~~**"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.**~~
~~**"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.**~~

~~"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.~~

~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~

~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~

~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~

~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building, or any side of a building that faces a street, way, or pedestrian space.~~

~~"False-front" means a front wall that extends beyond the sidewalls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Island alley" means an alley that does not connect to any street but is designed to allow for future extension through abutting properties and connection to a street or public parking facility. Island alleys serving one or more parcels may be approved through site plan review.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~
~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~
~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~
~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the arts committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~
~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~
~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~
~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~
~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~
~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~
~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~
~~"Turret" means a small tower extending above a building.~~
~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~17.50.010 Purpose and overall guiding principles.~~

~~The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use where a proposed development meets the design requirements of this chapter; the land use approvals process should be as predictable and efficient as possible while~~

~~striving for excellence in design. The OP land use and design standards in Articles II and III of this chapter, respectively, are intended to ensure that projects support the following objectives:~~

- ~~Integration and functionality of land uses,~~
- ~~Connecting Oceanlake to the ocean,~~
- ~~Respecting neighborhood transitions,~~
- ~~Designing for the climate,~~
- ~~Aesthetics and context-sensitive design,~~
- ~~Balancing durability and affordability.~~

~~A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Oceanlake, developments should maximize the opportunity to consolidate and share parking, for example, by extending alleys or shared driveways, particularly those connecting to public parking facilities. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.~~

~~B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable. Building stories above 35 feet are required to step back away from the street to maintain a village scale along the street, and to allow for sunlight and ocean views.~~

~~C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-family residential uses outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street. The design standards for Oceanlake are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.~~

~~D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Oceanlake has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100 miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.~~

~~E. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.~~

~~While each project is unique, the Oceanlake design standards (Article III of this chapter) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores, franchises and other companies with stores or offices in multiple locations; provided, that corporate logos, art and similar commercial speech are not restricted.~~

~~F. Balancing Durability and Affordability. "Balancing durability and affordability" means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Oceanlake has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials such as wood, stone, and brick are preferred, but other materials, such as architectural-grade composite boards, shingles and trim, may be used when it is demonstrated that the material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future. (Ord. 2007-08 § 1 (Exh. B § 1(A))~~

~~17.50.030 Applicability of municipal code regulations.~~

~~A. Applicability. The provisions of the Oceanlake plan district, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the OP district.~~

~~B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.~~

~~C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~

~~D. Ordinance Conflicts. Where conflicts occur between the design standards and other municipal code regulations, the provisions of this chapter shall apply.~~

~~E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this~~

~~chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations. (Ord. 2007-08 § 1 (Exh. B § 1(C))~~

~~17.50.040 Administration of design standards.~~

~~A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout, alleys, and connections to public parking facilities (LCMC 17.50.080) and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~
~~1. The applicant has requested an adjustment or modification to one or more Oceanlake code standard(s), as provided in subsection (C) of this section; or~~
~~2. The applicant requests a hearing; or~~
~~3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~
~~B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines:~~
~~1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.~~
~~2. Standards use the words "shall" or "must" and are mandatory.~~
~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~
~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~
~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~

~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~

~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.~~

~~C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~

~~1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or~~

~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.50.010, the purpose in LCMC 17.50.070, and the intent under each standard, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These incentives are in addition to the adjustments provided in Article III of this chapter. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~

~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments.~~

~~2. Connecting Oceanlake to the Ocean. Oceanfront projects that provide physical beach access to the public are preferred over those that provide only visual access or no access at all. Non-oceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable to the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach~~

~~prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~5. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Oceanlake redevelopment plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should reach the 35-foot allowable height by incorporating a third building story, tower, or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation, as well as their ocean-fronting elevation.~~

~~6. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years.~~

~~Article II. Land Use Standards~~

~~Article II. Land Use Standards~~

~~17.50.050 Permitted uses.~~

~~Table 17.50.050 identifies the land uses allowed in each of the three Oceanlake subdistricts. Uses permitted subject to site plan review are identified with "P"; those that are allowed subject to conditional use permit are identified with "CU"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.~~

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Residential Categories	-	-	-
Household Living	-	-	-
All residential uses allowed, if:	-	-	-
Lawfully existing as of July 25, 2007	**P**	**P**	**P**
New dwelling(s) – ground floor	**N**	**P**	**P**
Dwelling(s) above a ground floor commercial use	**P**	**P**	**P**
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	**P**	**P**	**P**
Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250	-	-	**P**
Commercial Categories	-	-	-
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)	-	-	-
Lawfully existing as of July 25, 2007	**P**	**N**	**N**
New or expanded use	**N**	**N**	**N**
Bed and breakfast inn, per LCMC 17.80.060	**P**	**P**	**P**
Educational services, not a school (e.g., tutoring or similar services)	**P**	**P**	**P**
Entertainment, major event	**CU**	**CU**	**CU**
Overnight accommodations, except bed and breakfast inns	**CU**	**CU**	**P**
Offices	**P**	**P**	**P**
Outdoor recreation, commercial	**CU**	**CU**	**CU**
Surface parking lot, except for public facilities and parking as an accessory use	**N**	**CU**	**N**
Vehicle servicing or vehicle repair	**N**	**N**	**N**

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Retail sales and service, excluding drive-up	**P**	**P**	**P**
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	**P**	**N**	**N**
Self-service storage	**N**	**N**	**N**
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	**P**	**P**	**P**
Industrial Categories	-	-	-
Industrial service, excluding drive-up	-	-	-
Fully enclosed (e.g., office)	**CU**	**CU**	**N**
Not enclosed	**N**	**N**	**N**
Manufacturing and production in conjunction with an allowed commercial use	-	-	-
Fully enclosed	**CU**	**CU**	**CU**
Not enclosed	**N**	**N**	**N**
Warehouse and freight movement	**N**	**N**	**N**
Waste-related, except as accessory to a primary permitted use	**N**	**N**	**N**
Wholesale sales	-	-	-
Fully enclosed	**CU**	**CU**	**N**
Not enclosed	**N**	**N**	**N**
Institutional Categories	-	-	-
Basic utilities	**P**	**P**	**P**
Colleges	**CU**	**N**	**N**
Community service, including government use (public or nonprofit)	**P**	**CU**	**CU**

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	**CU**	**P**	**CU**
Parks and open space	-	-	-
Pedestrian amenities	**P**	**P**	**P**
Parks and recreation facilities	**P**	**P**	**P**
Other open space	**P**	**P**	**P**
Places of worship[1]	-	-	-
Lawfully existing as of July 25, 2007	**P**	**P**	**P**
New	**CU**	**CU**	**CU**
Schools	**CU**	**CU**	**CU**
Other Categories	-	-	-
Accessory structures (with a permitted use)	**P**	**P**	**P**
Commercial radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas	**CU**	**CU**	**CU**
Stand-alone wireless communications facilities	**N**	**N**	**N**
Essential emergency communications, early warning and associated emergency facilities	**P**	**P**	**P**
Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080	**P**	**P**	**P**
Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	**P**	**P**	**P**
Accessory dwelling units, accessory to single-family dwelling or duplex, subject to the provisions of LCMC 17.80.110	**P**	**P**	**P**

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city's transportation system plan)	**P**	**P**	**P**

Key:

P = Permitted, subject to site/development review

CU = Conditional use permit required (Chapter 17.60 LCMC)

N = Not permitted

1. Together with accessory uses as specified in LCMC 17.80.160.

17.50.060 General development standards.

Except as modified through the procedures in LCMC 17.50.040 (C), the development standards in Table 17.50.060 apply to all Oceanlake uses and development.

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Minimum lot area* (square feet)	-	-	-
***Development must conform to lot width, depth, yard setback and coverage standards.**	-	-	-
Detached single-family dwelling	**Not applicable**	**5,000 sf**	**5,000 sf**
Attached single-family dwelling	**Not applicable**	**2,000 sf (alley required)**	**5,000 sf**
Other structures	**5,000 sf**	**5,000 sf**	**5,000 sf**

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Minimum lot width	50 ft	20 ft w/alley access; or 50 ft w/out alley	50 ft
Minimum lot depth	50 ft	50 ft	50 ft
Building/structure height, per LCMC 17.50.090 (B)(1)	-	-	-
Maximum height (see exceptions in LCMC 17.50.090 (B)(1))	35 ft	35 ft	35 ft
Minimum height	18 ft	-	-
Fences, retaining/garden walls	-	-	-
Maximum height – front and street yards	3.5 ft	3.5 ft	3.5 ft
Maximum height – interior side and rear yards	6 ft	6 ft	6 ft, except as may be prohibited in coastal zone
Building coverage	-	-	-
Maximum building coverage (foundation plane as % of site area)	90%	80% where alley access or on-street parking provided - 60% where no alley access or on-street parking provided	80%
Minimum landscape area (% site area) except does not apply to single-family dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-	10%	10% (may be reduced to 5% where at least one significant shore pine is preserved	10% (may be reduced to 5% where at least one significant shore pine is preserved

~~Table 17.50.060 – Development Standards~~

~~Standard~~	~~Main Street/Hwy 101 Area~~	~~Interior Area~~	~~Oceanfront Area~~
~~family and duplex development is subject to landscaping standards in LCMC 17.52.100.~~		~~on site, subject to site plan review)~~	~~on site, subject to site plan review)~~
~~Minimum setbacks (feet): (See also LCMC 17.50.090 (B)(8)(b), Height Step-Back.)~~	-	-	-
~~Front, street, side, and rear property lines, except garage or carport, and subject to building code~~	~~0 ft, except as required for utility easements~~	~~0 ft, except as required for utility easements~~	~~10 ft~~
~~Garage/carport entry, setback from street~~	~~20 ft~~	~~20 ft~~	~~20 ft~~
~~Alley, building setback from alley~~	~~3 ft~~	~~3 ft~~	~~Not Applicable~~
~~Build-to line (feet):~~	-	-	-
~~New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may also be increased through site plan review when pedestrian amenities are provided between a primary building entrance and the street right-of-way.~~	~~10 ft~~	~~Not Applicable~~	~~Not Applicable~~
~~Special setback for planned street improvements~~	~~30 feet from the street centerline where the ultimate right-of-way width is 60 feet;~~		
	~~24 feet from the street centerline where the ultimate right-of-way width is 48 feet;~~		
	~~15 feet from the street centerline where the ultimate right-of-way width is 30 feet.~~		

~~**Article III. Design Standards**~~

~~**17.50.070 Purpose.**~~

~~**The Oceanlake design standards are intended to implement the redevelopment plan and vision for Oceanlake. The standards reflect the following values and objectives:**~~

~~**A. Retain Oceanlake's compact, walkable main street character and improve the Highway 101 commercial area as the district's main working, shopping and entertainment district.**~~

~~**B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from Highway 101 to the ocean.**~~

~~**C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building.**~~

~~**D. Encourage the use of contextually appropriate materials, textures and colors.**~~

~~**E. Provide a continuous system of alleys and mid-block lanes with central public parking and encourage the provision of shared private off-street parking.**~~

~~**F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Oceanlake, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district.**~~

~~**G. Break down large building masses and provide visual interest along the street.**~~

~~**H. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.**~~

~~**I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.**~~

~~**J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))**~~

~~**17.50.080 Block layout, alleys and connections to public parking facilities.**~~

~~**A. Intent. New development and redevelopment projects should reinforce the historic street grid of Oceanlake and contribute to the development of central parking facilities interconnected by a system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside buildings. Parking should be provided on street where shoulders are approved to accommodate parking spaces or bays, and shared parking areas internal to each block. By maintaining the integrity of Oceanlake's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.**~~

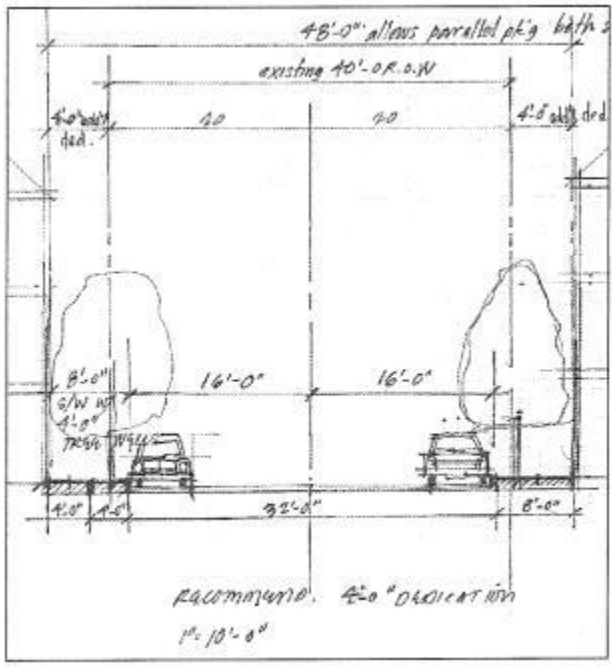
~~**B. Standards.**~~

~~**1. Rights-of-Way.**~~

~~**a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve abutting streets and alleys. See Figure 17.50.080-1.**~~

~~**b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is necessary to facilitate development of shared parking facilities and the development will improve the pedestrian environment.**~~

~~**Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.**~~



~~**Figure 17.50.080-1: Typical local street.**~~

~~**2. Street/Alley Access.**~~

~~**a. New vehicle access to/from Highway 101 is discouraged; the city or ODOT may require vehicle access be provided from side street or alley, and existing highway approaches be consolidated as a condition of development approval.**~~

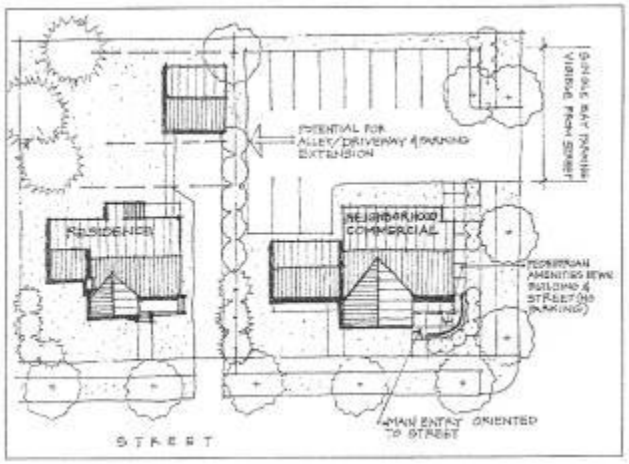
~~**b. The alignment of streets and alleys shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of an alley as a condition of development approval. Where a block contains no alley, development may be required to configure off-street parking such that an alley can be extended through it in**~~
~~**the future. Alleys shall be 12 to 16 feet in width, subject to site plan review. See example in Figure 17.50.080-2.**~~

~~**c. Where a development receives credit toward off-street parking requirements based on its proximity to a public parking facility and/or abutting on-street parking, the city may require the owner to dedicate and improve an alley.**~~

~~**d. Alleys should be continuous through a block to facilitate property access and full utilization of internal parking areas, except where existing development or the highway precludes the continuation of an alley.**~~

~~**e. Alleys shall be contained in a public right-of-way or public access easement improved to city standards.**~~

~~f. Where an interior lot or parcel is unable to connect to an existing alley and the proposed site plan provides a parking facility oriented to the rear of the property, the reviewing authority may allow the creation of a temporary island alley. Island alleys must allow for future extension(s) to abutting vacant and/or redevelopable properties.~~



~~Figure 17.50.080-2: Typical parking lot configuration allowing for future alley.~~

~~3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.50.090 through 17.50.130.)~~

~~17.50.090 Buildings and structures.~~

~~A. Intent. While many communities attempt to create or re-create an urban downtown of their own, Oceanlake already has a main street with a mixture of older and contemporary buildings. The interior area of Oceanlake, between the highway and ocean, also has the potential to become a vibrant, mixed use neighborhood, as envisioned by the Oceanlake redevelopment plan.~~

~~The eclectic group of buildings existing along the highway loosely follows the ageless rhythm of a traditional main street. Therefore building design standards draw on traditional main street elements while allowing for design variety. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Oceanlake retains its sense of place, its vitality and economic base.~~

~~The key elements of the building design standards are:~~

~~1. Eclectic coastal architecture, including residential, commercial, and mixed use development.~~

~~2. Building height and articulated facades that create a sense of street enclosure at a human scale.~~
~~3. Contextually appropriate materials, textures and colors.~~
~~4. Storefront character (windows, pedestrian shelter, furnishings, etc.).~~
~~5. Adaptable building styles that comfortably accommodate commercial, residential and mixed land uses.~~
~~6. A diversity of building facades and rooflines that fall into a consistent rhythm.~~
~~7. Corner lots as focal points with vertical elements, furnishings and public art.~~
~~B. Standards.~~
~~1. Height.~~
~~a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires, towers, and other architectural projections with an area of no more than 150 square feet may be allowed through site plan review. Building projections exceeding 35 feet in height within an ocean view corridor must be recessed behind lower building stories by not less than six feet. For the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2 and 17.50.090-3.)~~
~~b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height. Single-story structures of less than 18 feet in height and fronting onto Highway 101 may be approved by the reviewing authority where the proposed building is replacing an automobile-oriented use as defined in LCMC 17.32.030.~~
~~2. Building Form.~~
~~a. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally flat elevation with any recesses, projections, or rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New buildings should reflect the predominant form while expressing individuality; for example, with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.~~
~~b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous appearance. This standard is met by using either stepped parapets or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section, Storefront Character.~~
~~c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101 area, unless visually screened from the right-of-way by a parapet. Where a building in the Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that screen the roof and step down toward the rear of the building. Front~~

~~gables, split-barrel roofs, rounded parapets, turrets and similar forms may be used as secondary building elements or accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as a primary roof form in the interior and oceanfront areas. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Oceanlake forms are prohibited.~~

~~d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades are not permitted. Exterior remodeling is encouraged where it would remove the false front(s) and restore or replace historically appropriate materials.~~

~~3. Storefront Character.~~

~~a. Fenestration (Windows and Doors).~~

~~i. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces(s) and on elevations containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~4. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

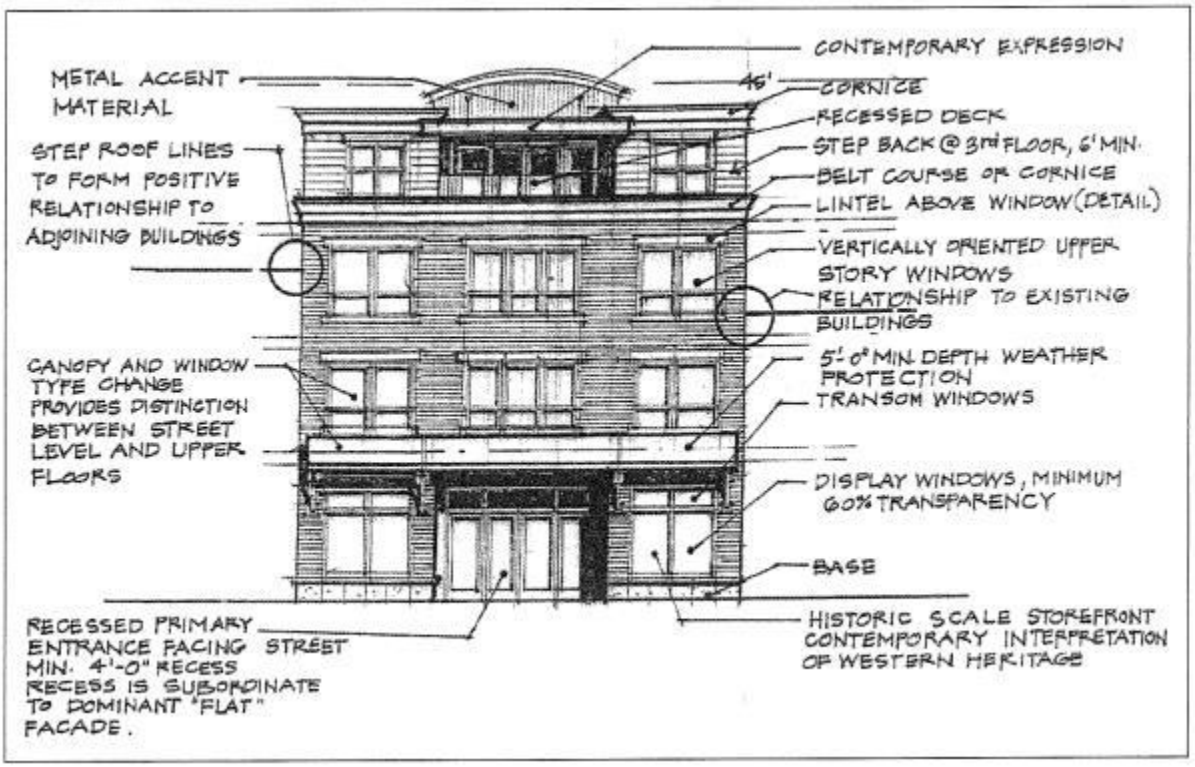
~~5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All primary entrances shall be covered for a depth of not less than five feet, either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

~~6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also this section and LCMC 17.50.100, Streetscapes.)~~

~~7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side lot line to side lot line to maintain continuity of the storefront character. Exceptions to this standard may be granted where the applicant demonstrates that the provision of side yards contributes positively to the pedestrian environment, for example, by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~8. Building Mass.~~

~~a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Oceanlake. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~



~~Figure 17.50.090-1: Example of acceptable building elements (35 feet).~~

~~b. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of six feet from the next immediate lower~~

~~story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (B)(1) of this section. (Recommended: Figures 17.50.090-1 and 17.50.090-2.) The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(12) of this section. Any projection exceeding 35 feet shall be ornamental only and not contain habitable floor space. (See Figure 17.50.090-3.)~~

~~c. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3)(a) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such windows shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~d. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.50.110, or the building shall provide architectural~~

~~features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.50.110, Pedestrian spaces.)~~

~~g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~11. Horizontal Rhythms.~~

~~a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets greater than eight feet, should be avoided. Side and rear elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~b. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy line, belt course between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

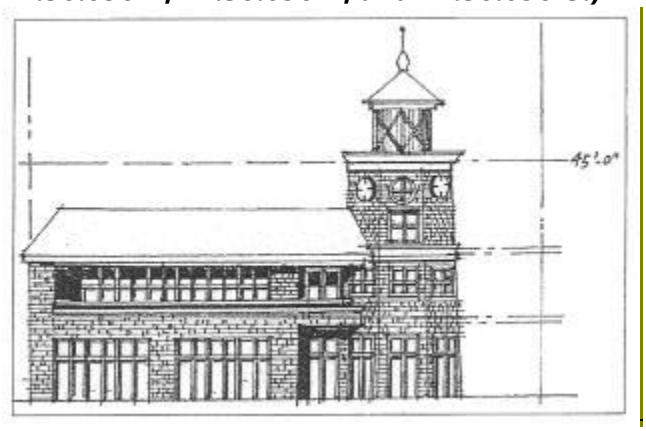
~~c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~



~~Figure 17.50.090-2: Rhythm, massing, and building openings.~~

~~12. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~



~~Figure 17.50.090-3: Example of vertical element and desirable building height for corner property on Highway 101. Note: building step-back not required on east side of Highway 101.~~

~~13. Materials and Color.~~

~~a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but~~

~~not as the primary exterior cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the primary materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(13)(a) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

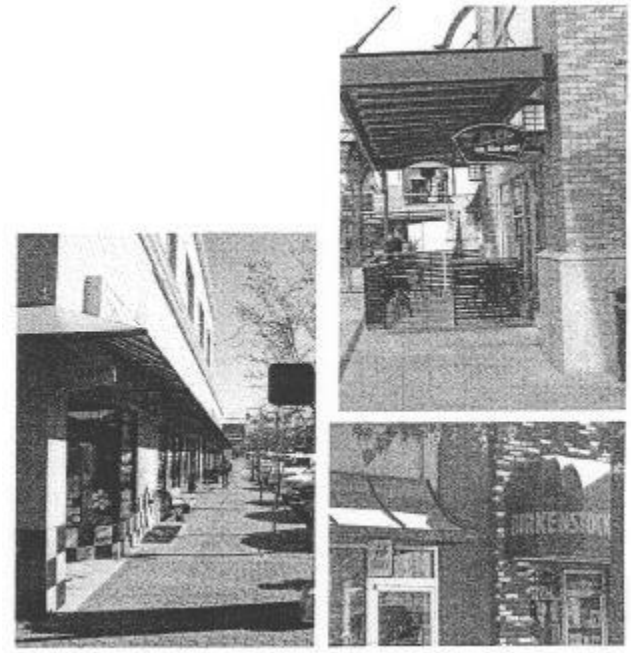
~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~**Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.**~~



~~**Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architecture, durability, and right-of-way constraints, if any.**~~

~~**15. Mechanical Equipment.**~~

~~**a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.**~~

~~**b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.**~~

~~**c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.**~~

~~**17.50.100 Streetscapes.**~~

~~**A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective.**~~

~~Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces). When streetscape improvements are required of new development, such improvements shall conform to the TSP. Additionally, street furnishing shall conform to the specifications contained in the Oceanlake redevelopment plan.~~

~~2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through blocks and local street improvements.~~

~~3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights.~~

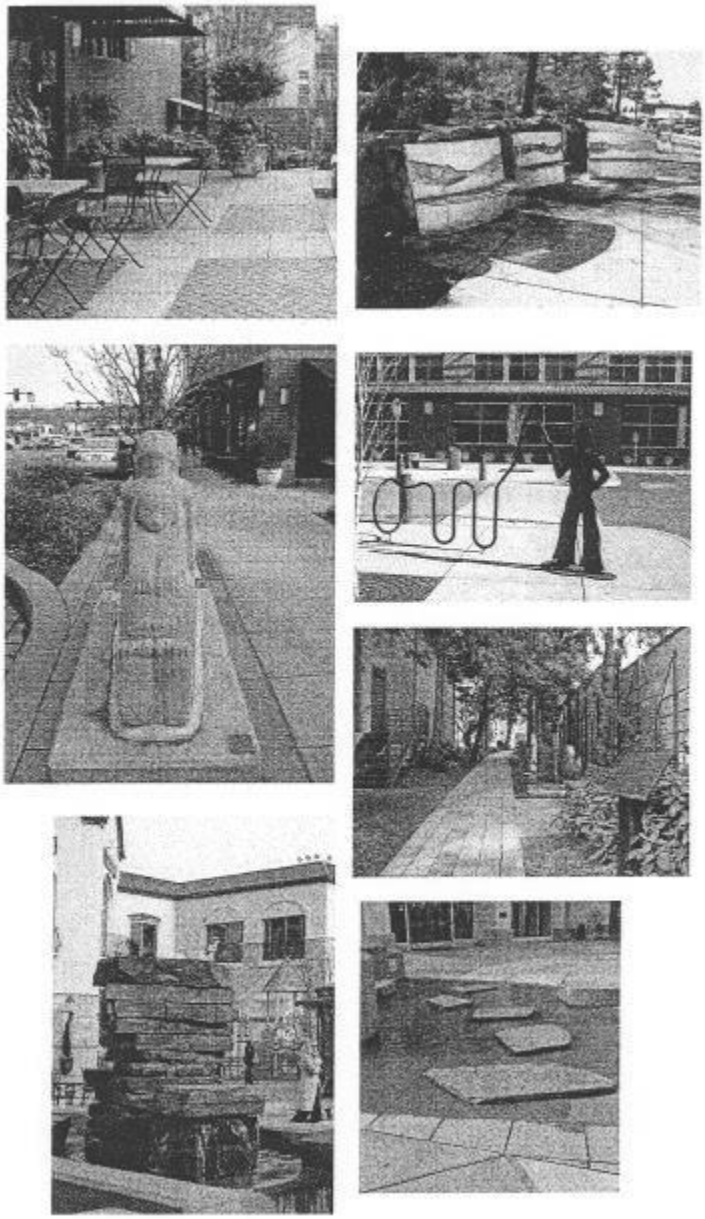
~~17.50.110 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Oceanlake require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Oceanlake. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments. See photo examples in subsection (B)(2) of this section.~~

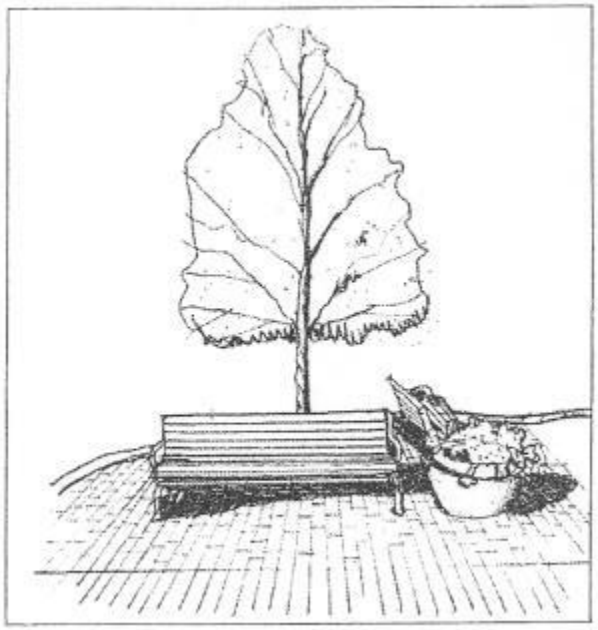
~~**2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.**~~



~~**Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.**~~

~~**3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a**~~

~~change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)~~



~~Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~

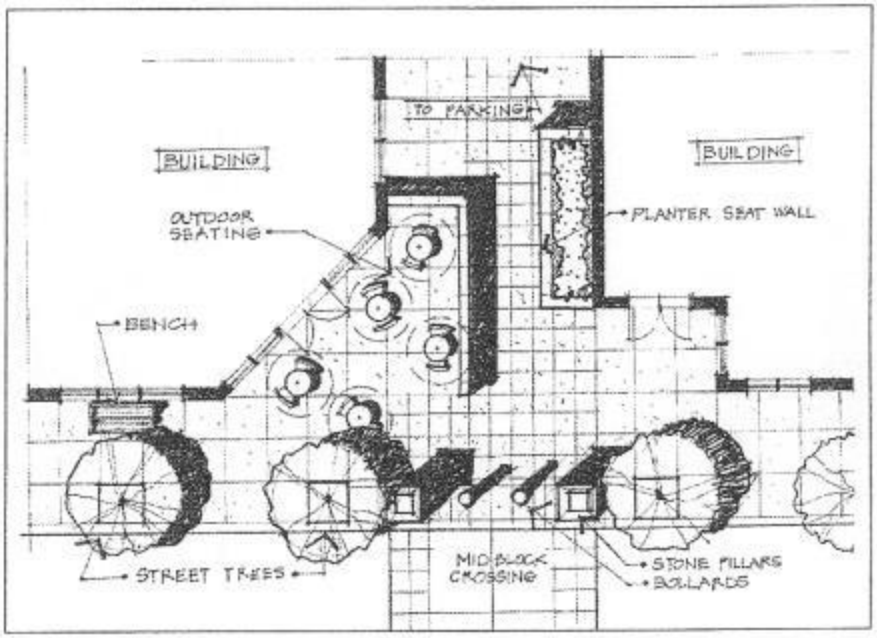


Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.

5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.

17.50.120 Off-street parking and circulation.

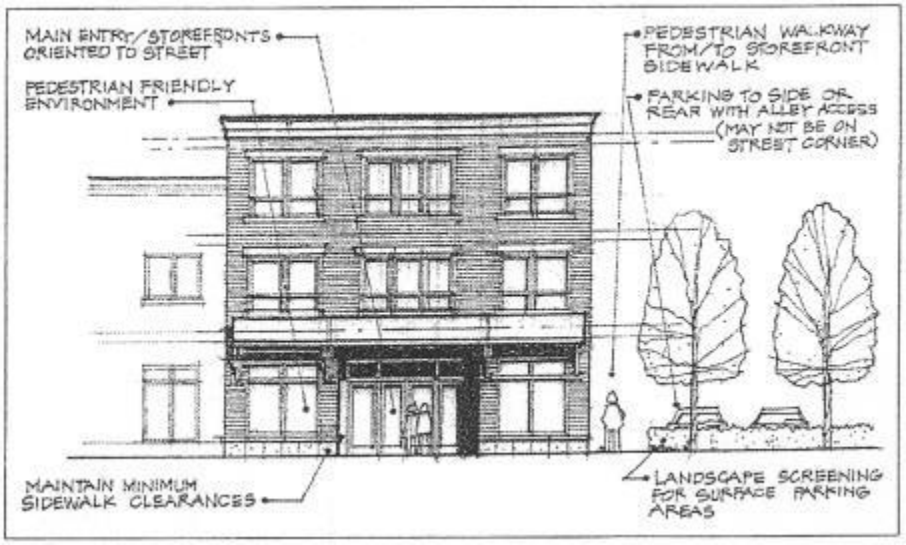
A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.

B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:

1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.

2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.

~~**3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-I.)**~~



~~**Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.**~~

~~**4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.**~~

~~**5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.**~~

~~**6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.**~~

~~7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.~~

~~8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, access to service areas must be from a street other than Highway 101.~~

~~17.50.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards.~~

~~17.50.140 Landscaping.~~

~~A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standard or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to at least one-half the total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

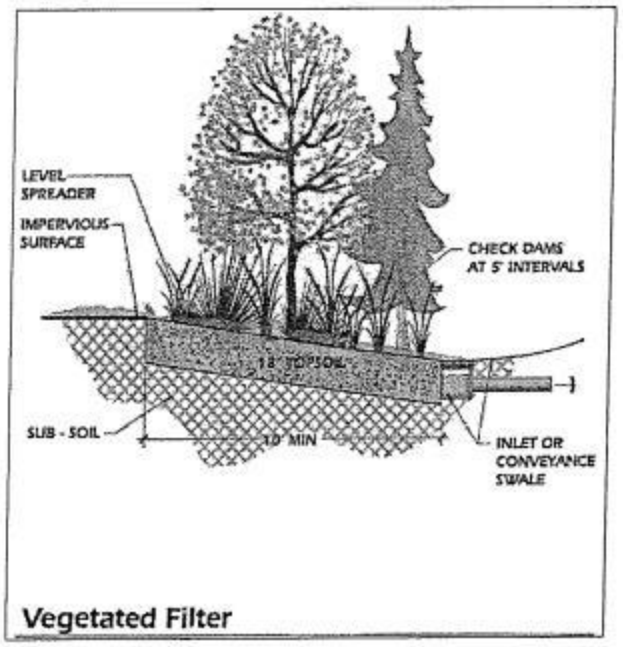
~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary,~~

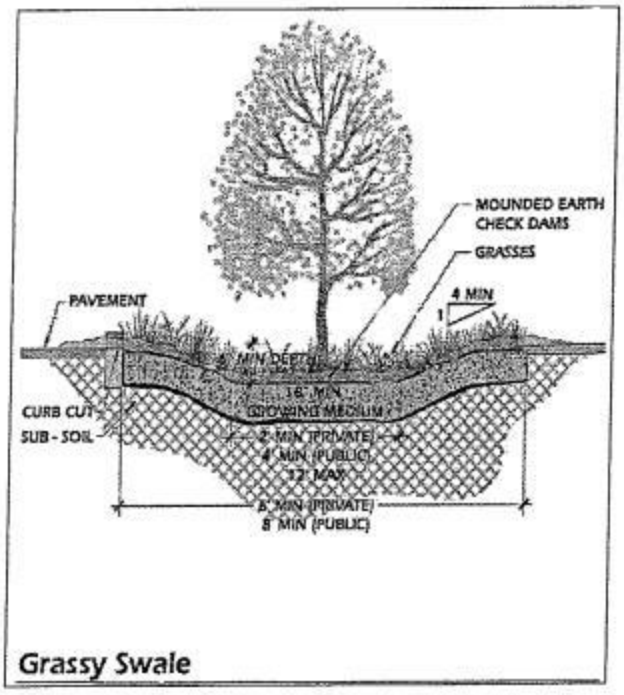
~~all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.50.120, Off-street parking and circulation.~~

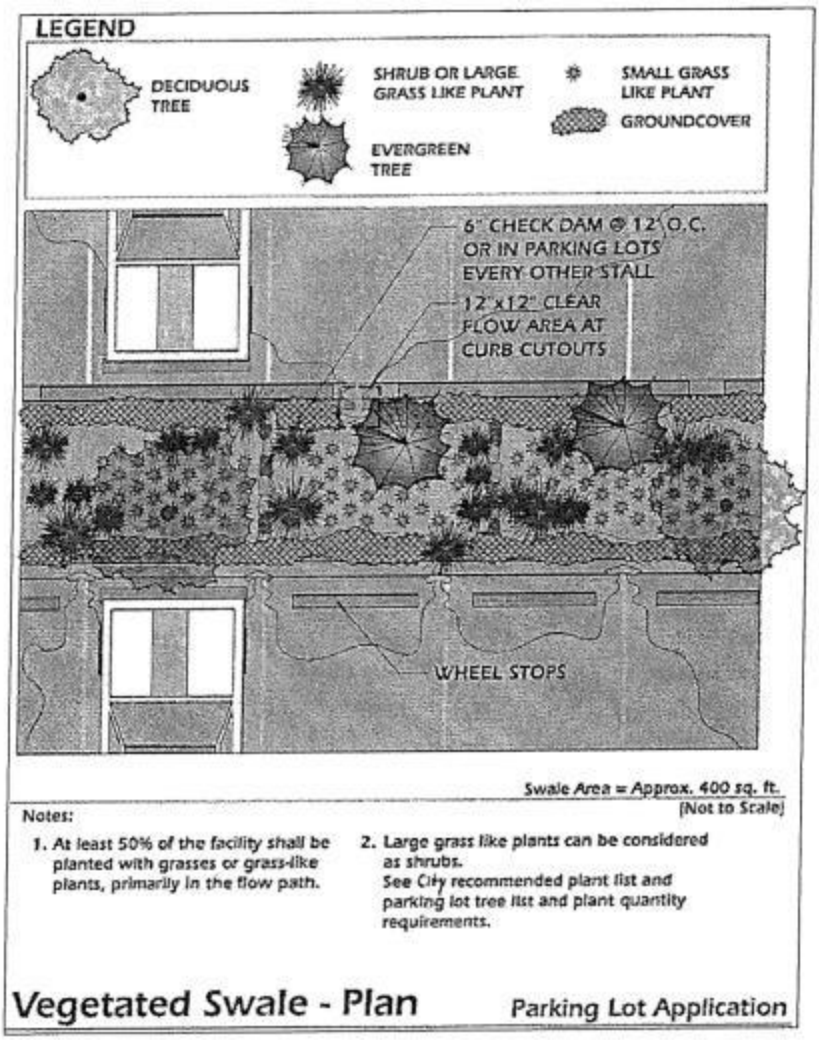
~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.50.060. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.50.140.)~~



Vegetated Filter



Grassy Swale



~~Figure 17.50.140~~

~~17.50.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development~~

~~application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.~~

~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC 17.50.160, Exterior lighting.~~

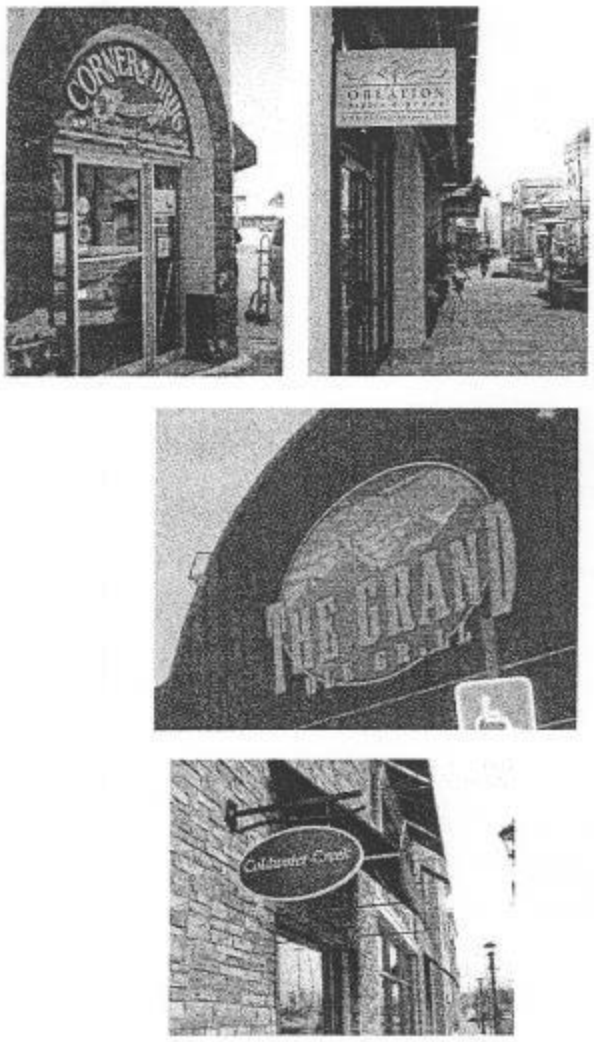


Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood cutout, hanging sign).

17.50.160 Exterior lighting.

A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. The urban renewal plan for Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g., cobra head standards, or car sales lot lighting) are not permitted.

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

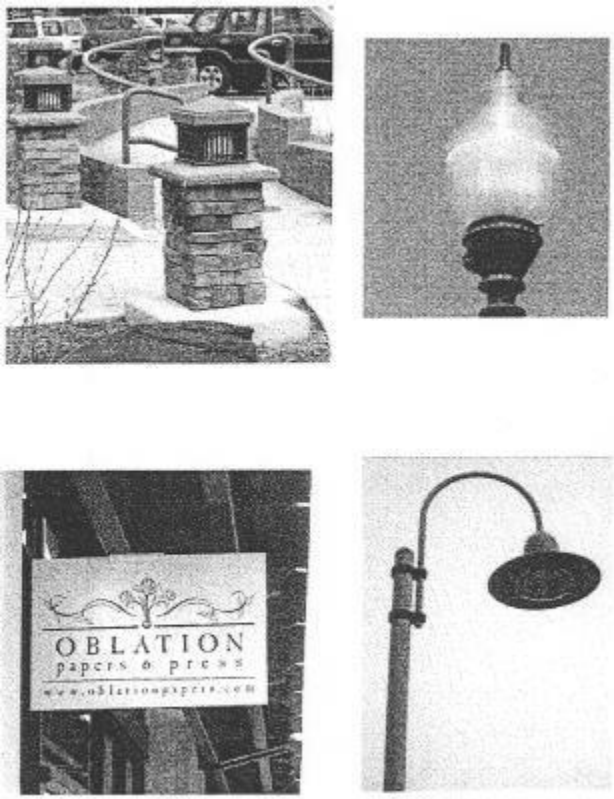
~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~**e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.**~~

~~**f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.**~~

~~**g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.**~~



~~**Figure 17.50.160-1: Examples of acceptable lights.**~~

SECTION 9. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.210 (*Planned unit development (PUD)*) Paragraph E.2., (*Residential Density Bonuses*) is hereby amended as follows:

> 2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, **and** in the R-1-10 zone is 4.36 units per acre~~**., and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).**~~

SECTION 10. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.80 (*Provisions applying to special uses)*, Section 17.80.120 (Cottage housing developments) Paragraph E.8, *(Walkways)* is hereby amended as follows:

8. Walkways. **~~A cottage housing development shall have sidewalks abutting all public streets.~~** A system of interior walkways shall connect each cottage to the common open space, parking areas, any community buildings, and **~~the~~** sidewalks abutting any public streets bordering the cottage housing development. **~~Sidewalks abutting public streets shall be at least six feet in width, and~~ I**nterior walkways shall be at least **five ~~four~~** feet in width.

SECTION 11. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.250 (*Standards for Manufactured Homes in Residential Zones*), Paragraph A, is hereby amended as follows:

17.52.250 Standards for manufactured homes. ~~in residential zones.~~
All manufactured homes shall: ~~on individual lots in the R-1 and R-M zones shall:~~

A. ~~Be multi-sectional (double-wide or wider) and enclose~~ Enclose a floor area of not less than 600 ~~1,000~~ square feet;

SECTION 12. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52. (*Supplementary Regulations and Exceptions*), Section 17.52.150 (*Lighting)* is hereby amended as follows:

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

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

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

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

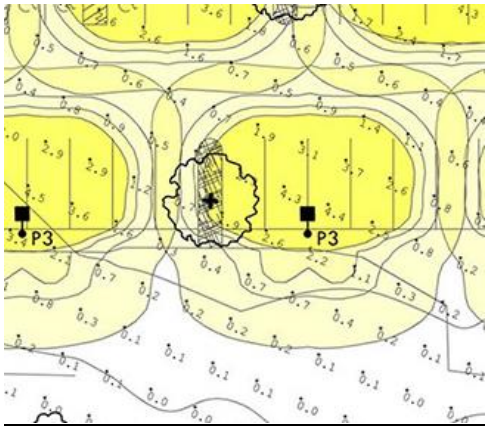
G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1 Examples of exterior lighting and photometric plan.



Full cut-off lighting illuminating parking and pedestrian connection.
(Credit: landscapeonline.com)



Example photometric or lighting plan detail.
(Credit: beamltd.com).

SECTION 13. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.64 (*Nonconforming Situations*), Section 17.64.040 (Nonconforming Commercial Site Development), Paragraph B is hereby amended as follows:

.B. The following elements shall be made compliant with the ~~**design standards**~~ **provisions as outlined below** ~~**in Chapter 17.74 LCMC**~~, or, as approved by **the** ~~**planning and community development director**~~ **review authority,** as close to compliant as possible within the cost limitation defined in subsection (A) of this section.

1. Pedestrian circulation, as set out in LCMC 17.74.070;

2. Materials and colors as set out in LCMC 17.74.080 (B)(13);

3. Pedestrian spaces as set out in LCMC17.74.100;

4. Screening and parking area landscaping as set out in LCMC 17.74.120;

5. Water quality as set out in LCMC 17.74.120 (B)(5);

6. Exterior lighting as set out in LCMC 17.74.130;

7. Transparency as set out in LCMC 17.74.080 (B)(3); and

8. Landscaping of existing setbacks and yard areas. (Ord. 2011-03 § 4)

SECTION 14 Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.74 (*Commercial Design Standards*) is hereby amended to read as follows:

Chapter 17.74
DESIGN STANDARDS

Article I. General Provisions

17.74.010 Intent.
17.74.020 Applicability.
17.74.030 Exceptions.
17.74.040 Administration.

Article II. Design Standards Mixed Uses and Uses Other Than Residential

17.74.050 Character types and guiding principles.
17.74.060 Site design.
17.74.070 View protection.

17.74.080 Pedestrian spaces.
17.74.090 Building design.
17.74.100 Transportation and streetscape standards.
17.74.110 Exterior lighting.

Article III. Design Standards Residential

17.74.130. Building design.

Article I. General Provisions.

17.74.010 The intent of these regulations is to:

A. Enhance and protect the city's quality of life and community image through clearly articulated site and building design standards;

B. Protect and promote the city's economic vitality by encouraging and rewarding high-quality development;

C. Establish a clear relationship between streets, pedestrian spaces, and buildings; and

D. Enhance and protect the security and health, safety, and welfare of the public.

17.74.20 Applicability.

A. Zoning districts. The provisions of this chapter apply to the Multiple-Unit Residential (R-M), Recreation Commercial (RC), General Commercial (GC), Nelscott Plan District (NP), Taft Village Core (TVC), and Oceanlake Plan District (OP) zones as follows:

1. Article I. General Provisions for Mixed Uses, Uses Other Than Residential, and Residential.

2. Article II. Design Standards for Mixed Uses and Uses Other Than Residential.

3. Article III. Design Standards for Residential.

B. Conflicting regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.

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

17.74.030 Exceptions and Nonconformances.

A. Routine repairs and maintenance. Routine repairs and maintenance are exempt from these standards.

B. Additions or expansion. Additions to or expansions of an existing building or structure are exempt from standards contained in this chapter that are specific to building design, provided the addition or expansion is less than 800 square feet of gross floor area. If the addition or expansion consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to building design shall apply to the addition or expansion. Existing non-conforming portions of the building shall come into conformity as provided in Chapter 17.64 LCMC. As part of the addition or expansion, and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

C. Residential dwelling exception. Detached single-unit dwellings, attached single-unit dwellings, duplexes, and manufactured dwellings in any zone are exempt from all requirements of this chapter.

D. Nonconformances. See Chapter 17.64 LCMC for application of these standards in nonconforming situations.

17.74.040 Standards versus guidelines.

A. The sections that follow provide intent statements, followed by standards and guidelines. Most standards contain approval criteria that are objective; however, some criteria require the review authority to apply discretion. Where discretion is involved, the review authority must use the guidelines in evaluating a proposal. The following further explains the relationship between intent statements, standards, and guidelines.

1. Intent statements are not utilized as applicable approval criteria for evaluating the application for approval or denial. However, intent statements are utilized when considering approval or denial of requests for adjustments or modifications as the applicant must demonstrate how the requested adjustment or modification and proposed alternative conforms to the intent statements.

2. Standards use the words "shall" or "must" and are mandatory. A request for an adjustment or modification is required if the standard cannot be met.

3. Guidelines use the words "should," "may," "preferred," "encouraged," and "discouraged," and are advisory only. Guidelines supplement the standards and provide examples of acceptable or unacceptable design.

a. **Graphics used in this chapter do not prescribe a particular design, but serve as examples of acceptable or unacceptable design solutions.**

4. **Standards and guidelines both serve as approval criteria, but the review authority has much greater latitude in applying guidelines. Where a guideline conflicts with a standard, the standard prevails.**

5. **In the case of a requested adjustment or modification to a standard, the submitted application and associated materials must demonstrate how the adjustment or modification results in equal or greater conformity to the intent of the code and other applicable standards and guidelines.**

6. **Nullification of one standard or guideline by a court of competent jurisdiction does not cause any other standard or guideline to be nullified (severability).**

B. Burden of proof. The submitted application and associated materials must demonstrate how the proposal meets all the applicable standards contained in this chapter and other applicable city regulations. Through adjustment or modification requests, the application and associated materials must also provide evidence of why a standard is not relevant given the context of the site and proposed use.

C. Adjustments and modifications. Adjustments to or modifications of the standards in this chapter are not variances. The procedures and criteria for variances are addressed in Chapter 17.68. The review authority may approve requests for adjustments to or modifications of the standards in this chapter provided the applicant demonstrates the following:

1. **The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted or modified can be better met through the proposed alternative design solution; or**

2. **Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the submitted materials must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted or modified.**

Article II. Design Regulations for Mixed Uses and Uses Other than Residential.

17.74.50 Guiding principles.

A. Enhance Lincoln City's historic qualities and facilitate compact, walkable, mixed-use development.

B. Orient buildings and their primary entrances to public or private streets or to pedestrian spaces abutting the public or private streets.

C. Create vibrant pedestrian spaces that, where possible, take advantage of western and southern exposures.

D. Provide aesthetically-pleasing visual interest along the public right-of-way and private streets, retaining the historic pattern of small buildings or at least the impression of small buildings.

E. Treat corner lots as focal points by prominent placement of the building and with vertical building elements, public art, seating, or other design features.

F. Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.

G. Enhance the street front by providing visual interest through site design and building articulation.

H. Sustainable building practices are encouraged, as is energy conservation in construction.

I. Permeable surfaces for driveways, walkways, and parking areas are encouraged.

17.74.060 Site design.

A. Intent.

1. **Facilitate the development of a continuous pedestrian pathway network throughout the city.**

2. **Create a sense of enclosure and human scale by orienting buildings to streets or, where buildings must be set back from the street, by orienting them to pedestrian activity, and design intervening area with pedestrian spaces and landscaping.**

3. **Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs.**

B. General standards.

1. **Site conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.**

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

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

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

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

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

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

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

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

10. **Drive-through facilities and stacking lanes. Drive-through facilities, including windows and ordering stations, must not be visible from public right-of-way. Stacking lanes must be able to accommodate all vehicles on the site, such that no part of any vehicle using or in line to use a drive-through facility shall project into or over any portion of public right-of-way.**

11. **Building orientation.**

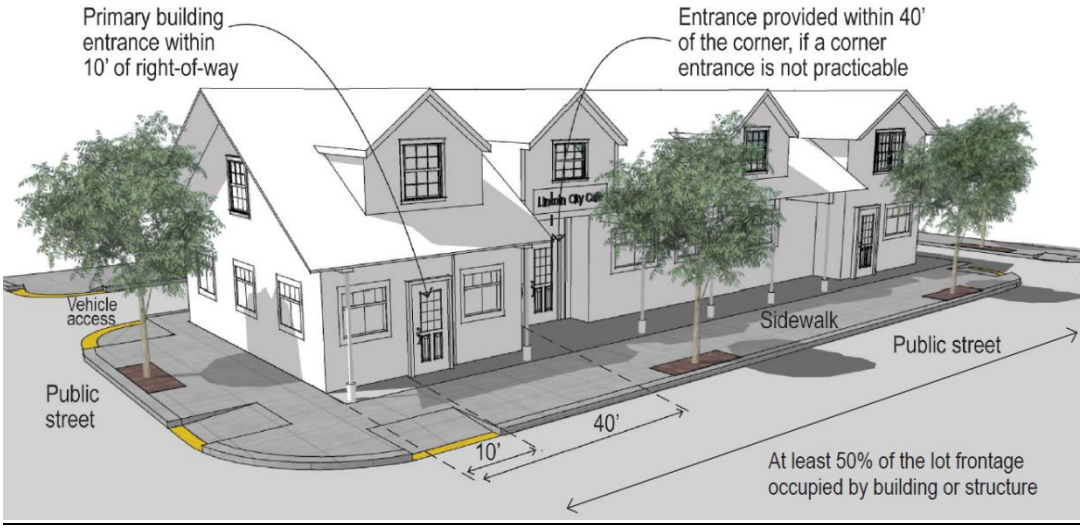
a. **Building orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See *Figure 17.74.60-2.***

b. **Primary building entrance.**

i. **Corner building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner. See *Figure 17.74.60-2.***

ii. **Interior building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.**

Figure 17.74.60-2. Building orientation diagram.



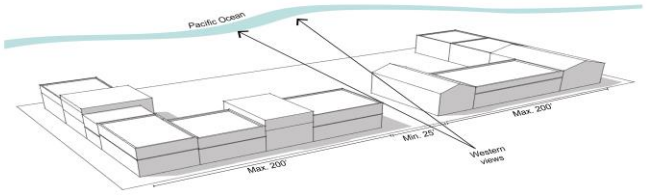
17.74.070 View protection.

A. Intent. To acknowledge existing key natural and scenic views of the Pacific Ocean, Siletz Bay, and Devils Lake, and leverage context-sensitive design to minimize impact to these views. Design solutions include changing height, bulk, setbacks, or orientation to frame or retain partial views.

B. Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.

C. Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel. See *Figure 17.74.70-1*.

Figure 17.74.70-1. View protection diagram.



17.74.080 Pedestrian spaces.

A. Intent.

1. **The increased development intensity, mixture of uses, pedestrian activity, close building orientation, and minimal private open space envisioned for the city should be offset by providing pedestrian spaces along building frontages and breaks between buildings.**

2. **Pedestrian spaces serve to provide visual relief, pedestrian resting areas, and opportunities for socialization.**

3. **Projects must contribute their proportionate share of pedestrian space. Pedestrian spaces count toward the required minimum landscape area.**

B. Standards.

1. Required area and dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet. See *Figure 17.74.80-1*.

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

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

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

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

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

7. **Pedestrian amenities required. Required pedestrian spaces must contain pedestrian amenities within the designated pedestrian space in an amount equal to or greater than one-half of one percent of the estimated project construction cost. Cost estimates for pedestrian amenity improvements must be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the review authority. Features that count toward fulfilling the one-half of one percent amenity requirement include:**
   - **Tables, chairs, benches;**
   - **Water features;**
   - **Planters;**
   - **Plaza space;**
   - **Extra-wide sidewalk by at least six inches over and above the minimum width requirement;**
   - **Public art;**
   - **Pedestrian-scale lighting at street corners, along pedestrian pathways, or throughout the pedestrian space;**
   - **Dog stations;**
   - **Drinking fountains; or**
   - **Similar.**

8. **Edge treatment. Pedestrian space should have an articulated edge where feasible to provide visual interest and additional seating along the edges of the pedestrian**

space where people may linger out of the traffic flow. The articulated edge should be defined without impeding traffic flow.

Figure 17.74.80-1. Pedestrian space diagram.

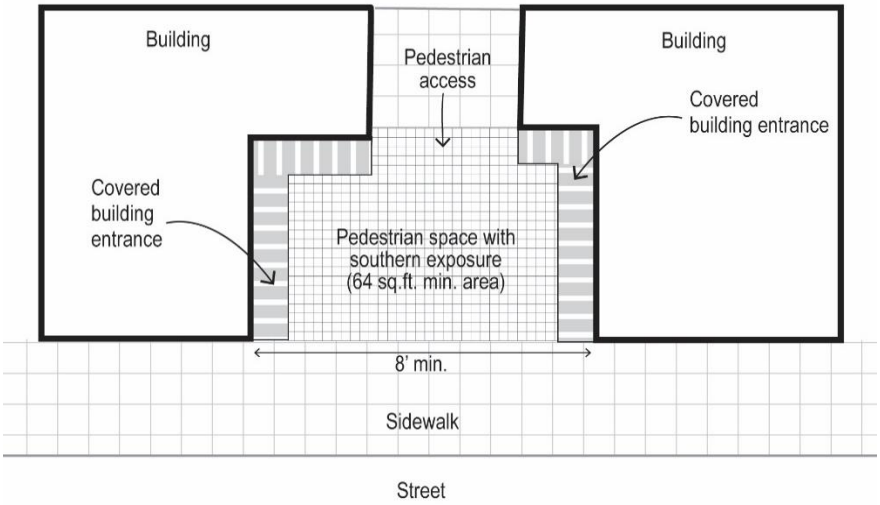


Figure 17.74.80-2. Examples of pedestrian spaces.



Extended sidewalk and plaza space near area of high pedestrian activity.



Plaza space with seating, wayfinding signage, and connections to building entrances.

17.74.090 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.74.100 Building design.

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

1. **Context-sensitive and eclectic coastal architecture.**

2. **Articulated building facades to break up large volumes and promote human scale.**

3. **Contextually appropriate materials, textures, and colors.**

4. **Pedestrian-scale development through ground floors made active with windows, pedestrian amenities, and furnishings.**

5. **Corner buildings that serve as focal points with vertical building elements, furnishings, and/or public art.**

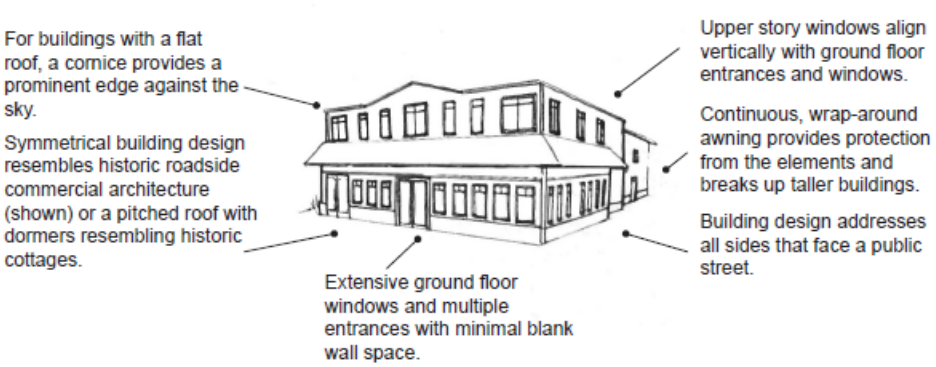
6. **Architecture that is consistent with the character of each pearl, balancing rhythm and continuity, yet creative in the design of building elevations, rooflines, and facade elements.**

7. **Design that increases environmental sustainability, softens the building's edge, and provides visual interest for the pedestrian.**

B. Specific design elements for pearls. In addition to the other standards of this chapter, development in pearls must show conformance to the following pearl-specific design elements:

1. **Wecoma. Building design must embrace the historic roadside commercial or small-scale cottage architecture found throughout Wecoma and continue architectural detail along all facades facing public right-of-way.**

Figure 17.74.100-1. Wecoma design elements.



2. Oceanlake. The intent of the design standards for Oceanlake is to ensure:

A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place.

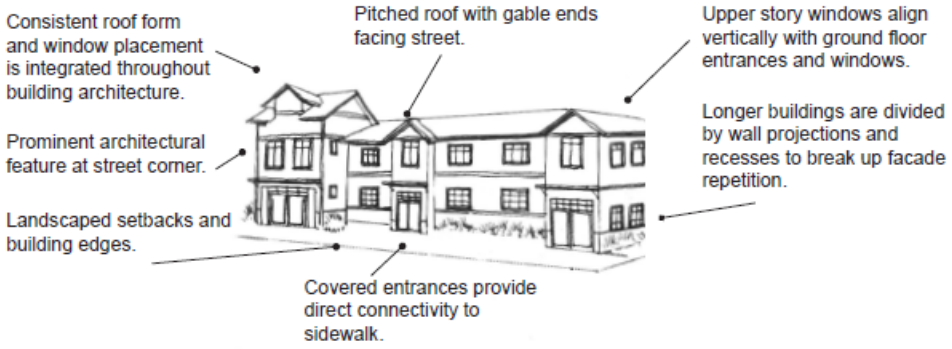
B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-unit dwellings outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street.

D. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history

***3.* DeLake. Building design must break up larger facades and repetitious design features to create an appearance of smaller-scale buildings to emphasize a human-scale while prioritizing architectural detail along any street-facing façade of buildings or where portions of a façade are visible from public right-of-way.**

Figure 17.74.100-2. DeLake design elements.



4. **Nelscott. The intent of the design standards are to ensure:**

A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Nelscott, developments should maximize the opportunity to consolidate and share parking, for example, by sharing driveways. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.

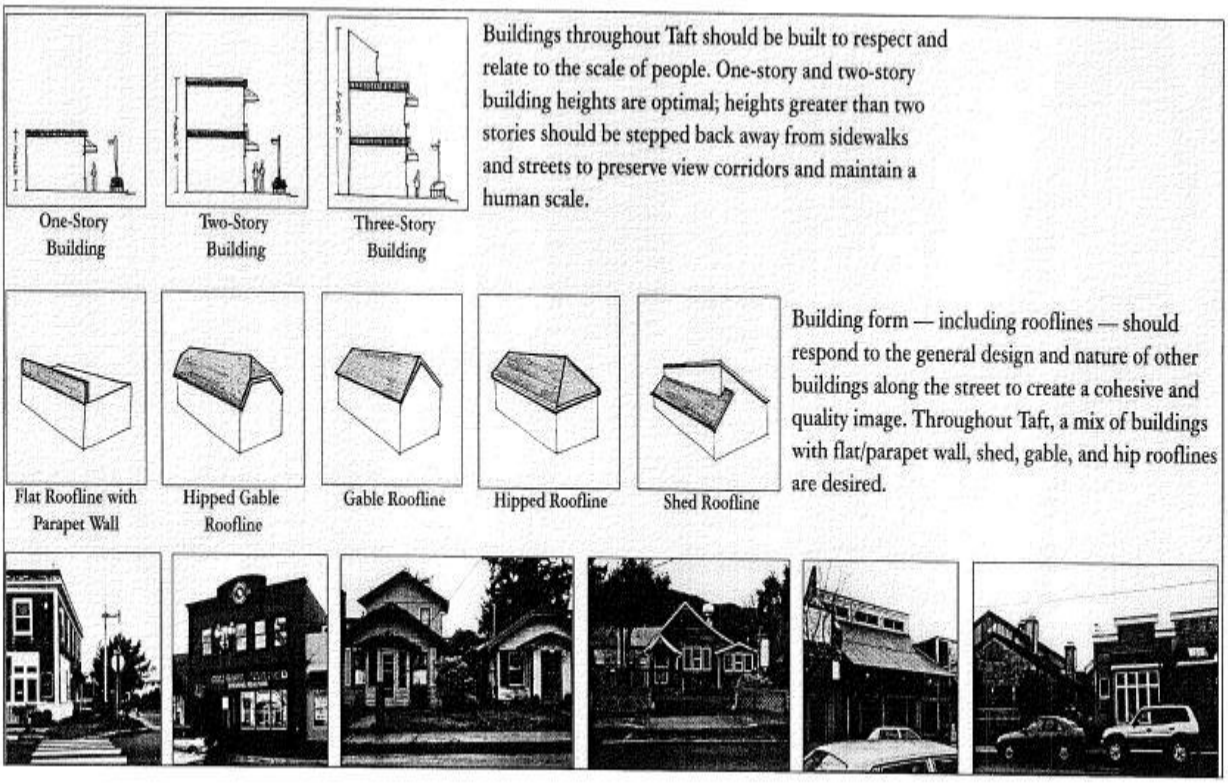
B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys providing visual and, in some cases, physical access to the beach. The area is defined by village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the ocean. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

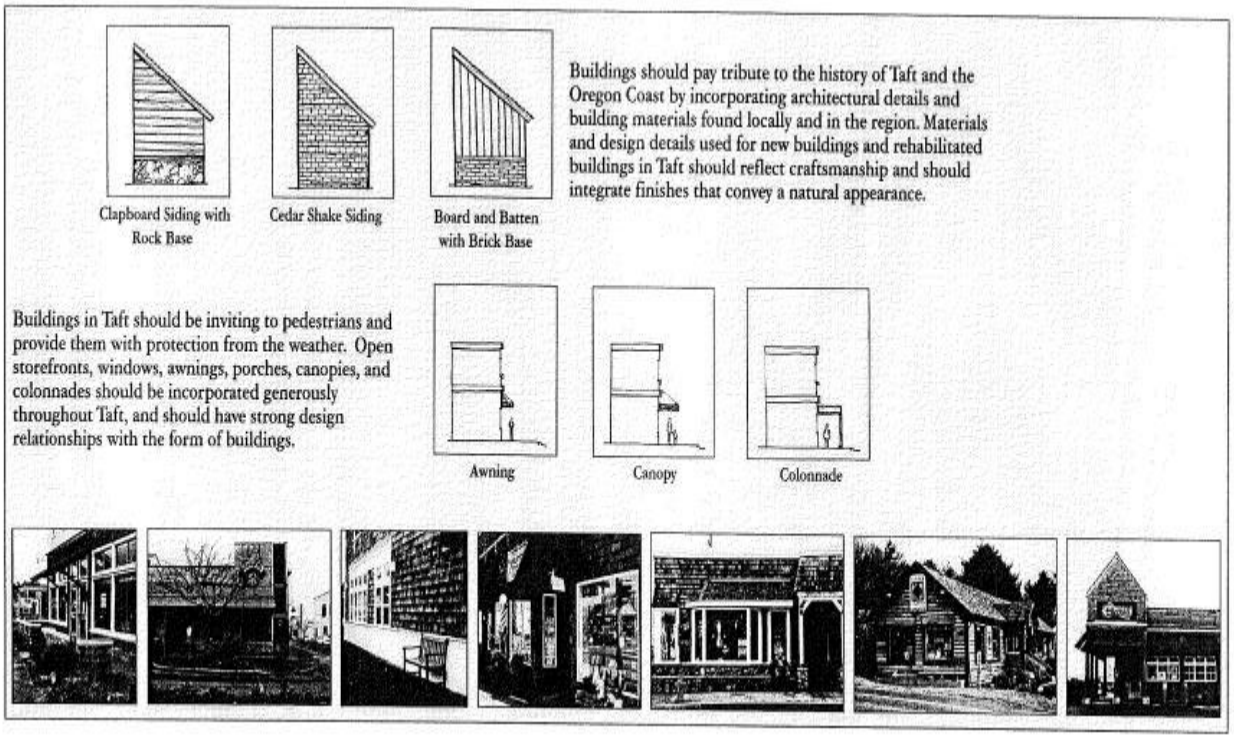
C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting detached single-unit dwellings outside the plan district – particularly the detached single-unit dwellings and cottages to the north.

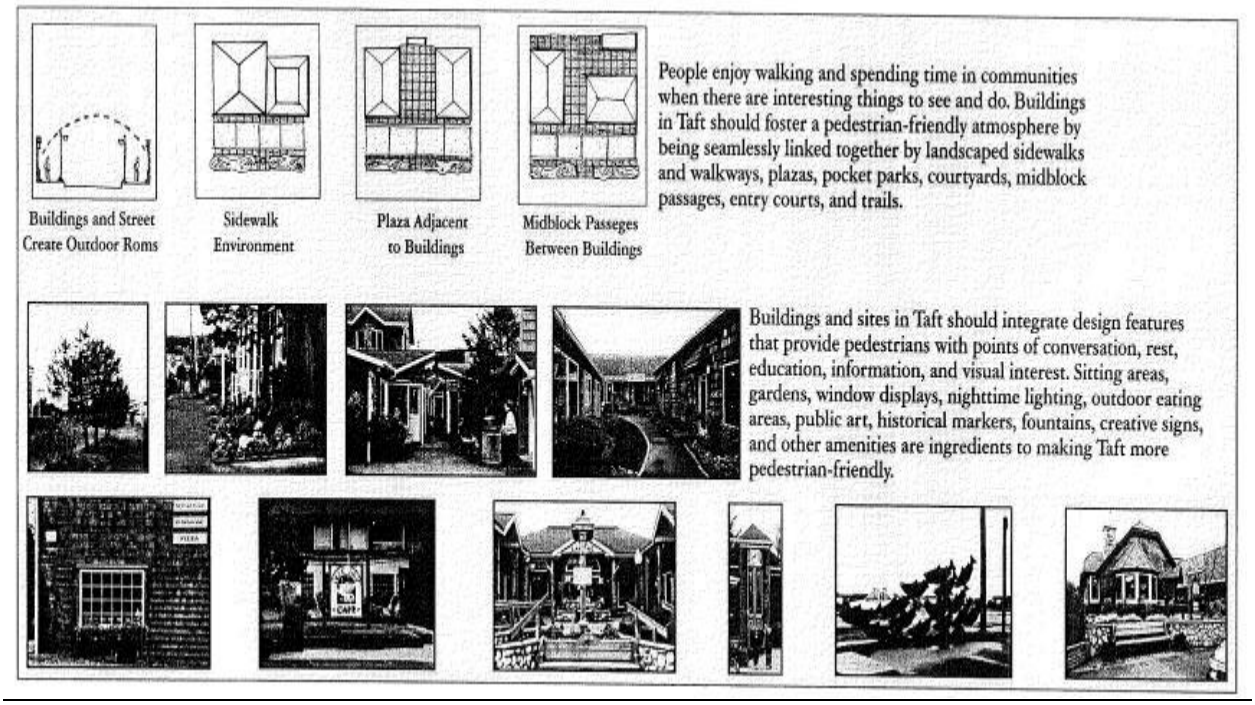
D. Aesthetics and Context-Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history.

5. **Taft. Design standards are intended to promote compatible and enhanced site and building design throughout the village of Taft core area.**

Figure 17.74.100-3. Taft design elements.

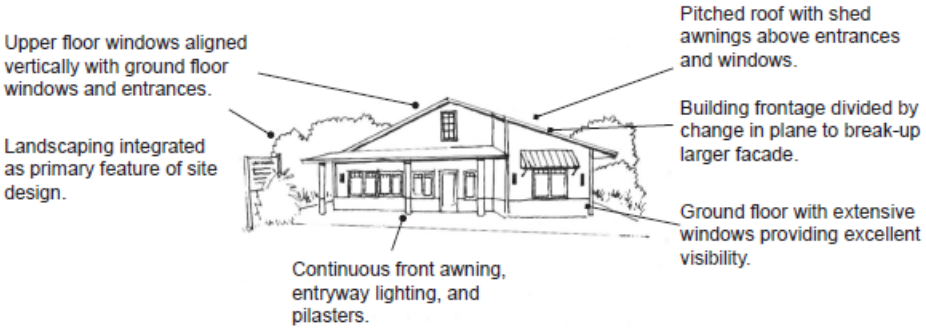






6. **Cutler City. Building design must conform to a smaller scale and emphasize a residential character by incorporating elements such as a pitched roof form or wrap-around awning and integrate nature into the design scheme through use of natural or natural-looking exterior building materials.**

Figure 17.74.100-4. Cutler City design elements.



D. Development standards.

Standard	Required
1. Building height	
a. Minimum building height adjacent to public right-of-way.	**15 feet**
b. Maximum height.	**Established by the underlying zone and calculated according to 17.52.190 and 17.52.200.**
2. Ground floor windows.	
a. Minimum percentage of transparent windows adjacent to public right-of-way.	**60%**
3. Building entrances.	
a. Minimum number of	**One entrance, and at least one additional**

Standard	Required		
entrances connected to street.	entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing.		
4. Building articulation.			
a. Maximum individual wall plane size.	800 square feet		
b. Minimum recess or projection of each wall plane.	i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet		
c. Maximum length of individual wall plane.	12 feet		
5. Pedestrian shelters.			
a. Minimum along street frontage.	75% of building frontage length		

E. Building form.

1. Upper floor step-back. Buildings facades must step back according to the following:

a. For buildings over two stories in height, the top floor must step back at least 10 feet; or

b. Progressive step-backs on upper floors must be a total of at least 10 feet.

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

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

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

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

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

7. **Highway 101 corner buildings. New buildings that are constructed on a corner site that is located at the intersection of a street and Highway 101 must include at least a two-step hierarchy in the building height, with the tallest portion of the building at the corner, tapering down in height along each street frontage. Buildings must additionally include at least two of the following on building corners facing the public right-of-way:**

    a. **Bay windows;**

    b. **Roof decks or balconies on upper stories;**

    c. **Corner entrance (also meet the requirements of Section 17.74.100 (I));**

    d. **Crowning features to a tower form such as wide cornices, projecting parapets, or a pitched roof; and/or**

    e. **Bevel, notch, or rounded corner.**

Figure 17.74.100-4. Examples of building form.



Upper floor step-back and varied height.



Building design addresses all sides of street with parapet to reach minimum height.

F. Roof form.

1. **Primary roof form. Buildings with a street-facing façade width less than 50 feet must have sloped roofs. Secondary roof forms may include towers, dormers, turrets or other features with rounded, shed, pyramidal, or crossing elevations.**

2. **Pitched roofs. Roofs must be gabled or hipped. Sloped roofs must have a minimum pitch of at least 6:12.**

    a. **The gable end of the roof must face the abutting street.**

3. **Flat roofs. Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

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

5. **Prohibited roofs. Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.100-5. Examples of roof form.



Flat roof with projecting cornice of a different color.



Sloped roof with gable end facing public street.

G. Building articulation.

1. **Changes in plane. Building elevations must incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Walls of a structure must be in distinct smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space, or adjacent property. Changes in plane may include but are not limited to:**

- **Recessed entries;**
- **Bays;**
- **Stepped parapets;**
- **Secondary roof forms such as gables, lower roof sheds, dormers and towers;**
- **Building bases;**
- **Canopies;**
- **Awnings;**
- **Alcoves;**
- **Pergolas;**
- **Pediments;**
- **Porticos;**
- **Roof overhangs; and/or**
- **Other features that are consistent with the overall composition of the building.**

2. **Vertical elements. All architectural elevations of buildings over 25 feet in height visible from public right-of-way or pedestrian space must have a clearly discernible base, body, and cap. The base and cap must be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.**

a. **Base. The base must occupy the lowest portion of the elevation using articulation and weightier materials such as concrete and must have a height of at least three feet.**

b. **Body. The component described as the body must constitute a minimum of 50 percent of the total building height.**

c. **Cap. The cap must occupy the highest portion of the elevation, excluding the roof, and must have a dimension that does not exceed the height of the base. The cap must consist of a cornice, parapet, awning, canopy, eave, or other architectural treatment that visually performs in the same manner.**

3. **Horizontal lines.**

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

b. **Use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration must distinguish between street level and upper floors.**

Figure 17.74.100-6. Examples of building articulation.



A building base, body, and cap.



Recessed entry, awning, and front porch.

4. **Blank wall treatments. In pearls, walls longer than 30 feet that face public right-of-way or pedestrian space must incorporate two or more of the following:**

a. **Vegetation, such as trees, shrubs, and ground cover adjacent to and covering at least 50 percent of the wall surface. Such vegetation must be selected from the**

City of Lincoln City Guide to Landscape Selections or recommended as being suitable for the local climate by a licensed arborist, or registered landscape architect, who is licensed in the State of Oregon;

b. Artwork, such as bas-relief sculpture, original art displays, or trellis structures covering at least 50 percent of the wall surface;

c. Seating area with special paving and seasonal plantings; and/or

d. Masonry materials with architectural detailing, reveals, pilasters or other means of rustication techniques.

H. Entrances.

1. Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building.

2. Transparency. Ground level entrances must be at least partly transparent, accomplished with a window in the door, a transom window above the door, or sidelights beside the door.

3. Corner entrances. Corner buildings that do not have at least one corner entrance must provide a corner plaza consistent with Section 17.74.080 or architectural features honoring the corner as a pedestrian space, such as an alcove with seating, public art, a vertical building element such as a tower, or other feature as approved by the review authority.

4. Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design must incorporate materials and detailing similar to the base of the building.

Figure 17.74.100-7. Examples of entrances.



Clearly defined building entry at corner.



Transparent ground level entrance.

I. Windows/Transparency.

1. Ground floor windows.

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

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

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

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

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

3. Transparency for non-street-facing elevations. The transparency standard must be met for any non-street-facing elevation that faces a pedestrian space or that contains a primary entrance.

4. Project windows, display cases. For durability and aesthetic reasons, projecting windows and display cases must be integral to the building design and contain trim or other detailing consistent with the overall composition of the building.

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

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

Figure 17.74.100-8. Examples of windows.



Large display windows along ground floor.



Upper floor windows that follow the vertical lines of the lower level.

J. Pedestrian shelters and weather protection.

1. Required pedestrian shelters must extend at least five feet over the pedestrian area, with a minimum clearance of 12 feet between the shelter and sidewalk surface.

2. Required pedestrian shelters must shed rain away from building entrance(s), be proportionate to the building in their dimensions, not obscure the building's architectural details, and be below any mezzanine or transom windows.

3. Pedestrian shelters must match the width of storefronts or window openings and be integral to the overall composition of the building. Designs must address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.

4. **Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.**

5. **Pedestrian shelters must be maintained and in good condition.**

K. Materials and color.

1. **Primary materials.**

   a. **Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding.**

   b. **Rough-hewn wood, timbers, and metals may only be used as accents or secondary exterior materials, and not as the primary exterior cladding.**

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

2. **Secondary materials.**

   a. **Any of the materials listed as primary exterior building materials also may be used as secondary materials or accents.**

   b. **Metals such as copper, steel, iron, bronze and similar-appearance metals may be used as trims or accents when compatible with the overall building design.**

3. **Change in materials.**

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

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

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

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

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

Figure 17.74.100-9. Examples of building materials.



Natural wood for primary building material demonstrating local architectural style.



Variations in wood siding, concrete base, and metal roof and awnings.

7. **Color.**

   a. **Muted and subtle earth tones or neutral colors, that are low-reflectance shades, are preferred as the primary colors of buildings. Natural wood finishes are encouraged. Building trim may feature brighter colors as accents.**

   b. **Coordinated color. Color schemes must be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes must tie together signs, ornamentation, awnings, canopies and entrances. Color choices must address the following:**

      i. **Base color. Maximum of one base color for every 25 feet of the front elevation. One base color for the entire front elevation is preferred; and**

ii. Accent color. Up to two accent colors, except where precedent exists for using more than two colors with some architectural styles.

c. Metals. Metals must have a brushed finish or be painted in muted earth tones or neutral colors to minimize glare.

d. Prohibited colors. Luminescent, sparkling, neon and "day-glow" colors are not acceptable, except that neon signs are allowed subject to applicable sign codes.

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

L. Sustainable design.

1. When used, sustainable technologies must be an integral part of the building's form and must be designed to include exterior elements visible from public right-of-way. The review body will make the final determination as to the design integration and appropriateness of sustainable elements.

2. Consider passive heating and cooling techniques during building design.

3. Control solar heat gain and glare using external shading devices.

4. Solar panel installations must minimize glare reflected onto adjacent properties.

5. All overhanging elements must be at least eight feet above the adjacent sidewalk or grade.

Article III. Design Regulations for Multi-unit structures and developments.

17.74.130. Building design.

A. Intent.

1. Lincoln City's natural setting contributes to the area's high quality of life. Exterior building materials and structural and architectural details reflect the city's natural setting. The design of new development is durable and withstands the harsh coastal climate and provides protection from the elements.

2. Development has a human scale, balancing affordability with development that is harmonious with the surrounding context, especially in areas that are adjacent to

detached single-unit dwellings. Exteriors of large buildings resemble smaller-scale buildings and offer common open spaces.

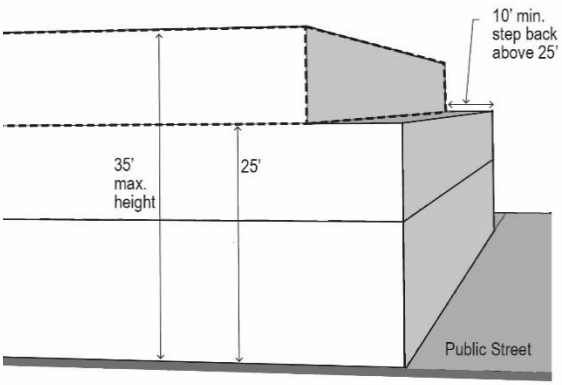
B. Building step-back.

1. Upper floor step-back. The upper elevations of building facades facing a public right-of-way or pedestrian space must step back above 25 feet or above the second story, whichever is the lesser height. (Figure 17.74.130-1) The following options are acceptable to meet this standard:

a. The top floor must step back at least 10 feet; or

b. Progressive step-backs of several upper floors must total at least 10 feet.

Figure 17.74.130-1. Building step-back.



C. Building form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space. (Figure 17.74.130-2) Along the facade of the structure, such features must occur at a minimum of every 30 lineal feet, with each floor containing at least two of the following features:

1. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;

2. An offset on the building face of at least eight inches from one exterior wall to the other;

3. A section of the façade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;

4. **A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least four feet wide;**

5. **A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;**

6. **A covered porch at least two feet deep (measured horizontally from the face of the main façade) and at least four feet wide;**

7. **Recess with a minimum depth of four feet; or**

8. **Extension projecting a minimum of two feet and running horizontally a minimum of four feet.**

Figure 17.74.130-2. Building form.

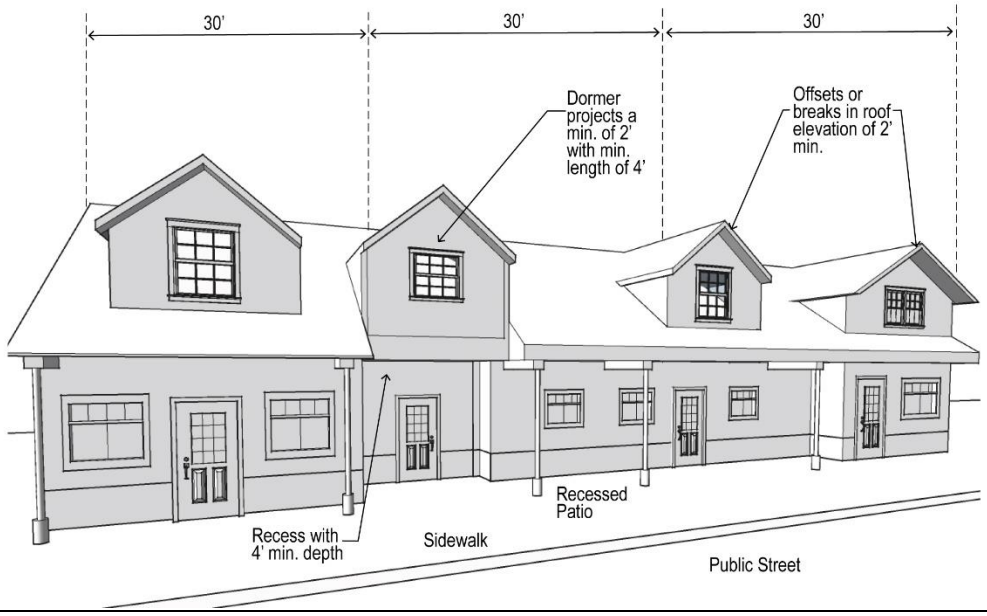


Figure 17.74.130-3. Examples of building form.



Recessed entries and balconies, and covered porches.



Roof line and building face offsets, and recessed balconies.

D. Roof form.

1. **Sloped roofs are required for buildings with a front façade width less than 50 feet.**

2. **Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater. Flat roofs should be avoided.**

3. **Sloped roofs must have a pitch between 6:12 and 12:12. Mono-pitch (shed) roofs must have a pitch of at least 4:12. (Figure 17.74.130-4)**

4. **In instances where sloped roofs are not practicable and a flat roof is the only option, the flat roof must have projecting cornices to create a prominent edge when viewed against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

5. **Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.130-4. Roof form.

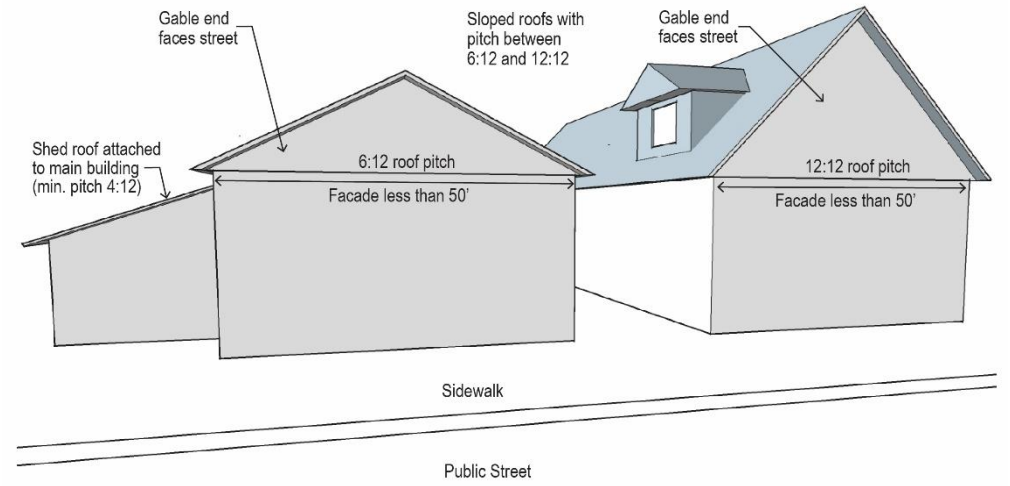


Figure 17.74.130-5. Examples of roof form.



Street-facing gables.



Pitched roof with attached shed roof.

E. Building entrances.

1. **Porches. Useable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.**

2. **Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.**

3. **Accessibility. Each building must have at least one ADA-compliant entrance connecting required parking to the building.**

12. Building windows.

1. **Facades facing a public right-of-way. At least 15 percent of the area of each façade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.**

2. **Garage windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.**

G. Building materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.

H. Building colors. Facade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entry ways so as to draw attention to these features.

I. Garage requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.

~~Chapter 17.74~~
~~COMMERCIAL DESIGN STANDARDS~~

~~**Sections:**~~

~~**Article I. General Provisions**~~
~~**17.74.005 Definitions.**~~
~~**17.74.010 Purpose and intent.**~~
~~**17.74.020 Applicability.**~~
~~**17.74.030 Administration of design standards and guidelines.**~~
~~**Article II. Guiding Principles**~~
~~**17.74.040 Guiding principles – Pearls.**~~
~~**17.74.050 Guiding principles – Strings.**~~
~~**Article III. Design Standards and Guidelines**~~
~~**17.74.060 Site design.**~~
~~**17.74.070 Pedestrian circulation.**~~
~~**17.74.080 Building design.**~~
~~**17.74.090 Transportation and streetscape standards.**~~
~~**17.74.100 Pedestrian spaces.**~~
~~**17.74.110 Parking.**~~
~~**17.74.120 Landscaping.**~~
~~**17.74.130 Exterior lighting.**~~

~~Article I. General Provisions~~

~~17.74.005 Definitions.~~

~~**The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.**~~

~~**"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.**~~

~~**"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.**~~

~~**"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.**~~

~~**"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.**~~

~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~

~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~

~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~

~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building, any side of a building that faces a street, way, or pedestrian space.~~

~~"False front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Grade plane" represents the average of the finished ground level adjoining the building at all exterior walls or, for common wall buildings, the exterior walls and common wall. Where the finished ground level slopes away from the exterior wall(s), the reference plane is established by the lowest points within the area between the building and the property line or, where the property line is more than six feet from the building, between the structure and a point six feet from the building.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the design review process. For the purpose of design review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Height" is measured from the grade plane to the highest point on a flat roof, including any parapet, or to the average height of the highest gable on a pitched or sloped roof.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pearl" means an area on the zoning map designated to support the revitalization or preservation of one of Lincoln City's historic village centers (e.g., Wecoma, DeLake, and Cutler City) by facilitating compact, pedestrian-friendly development at an appropriate village scale and character. The pearl overlay is an interim designation; it is intended to be removed as the city adopts redevelopment plans and specific design standards for a specific pearl, as it has for Oceanlake, Nelscott, and Taft.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the city of Lincoln City, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories, or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"String" means any area on Lincoln City's zoning map not included in a designated "pearl."~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~**17.74.010 Purpose and intent.**~~

~~**A. These commercial development design standards are intended to enhance and protect the city's quality of life and community image through clearly articulated commercial development design goals and policies and minimum design standards; to protect and promote the city's economic vitality through commercial design standards that encourage and reward high quality development while discouraging less attractive and less enduring alternatives; and to enhance and protect the security and health, safety, and welfare of the public. In addition, the standards are intended to serve as interim design standards for "pearl" areas until such a time that the city adopts specific standards for each pearl.**~~

~~**B. In furtherance of this purpose, the city considers the following design features to be desirable elements of commercial development, and the standards set forth in this chapter are intended to facilitate incorporation of these features into all commercial development projects:**~~

~~**1. Access driveways consistent with LCMC 17.52.060 that provide for safe access and egress with clear visibility of entrances and retail signage.**~~

~~**2. Interconnected driveways with access to local streets wherever possible.**~~

~~**3. Consolidated access and shared driveways, where possible.**~~

~~**4. Continuous landscape frontage, with specific standards based on building orientation and front setbacks.**~~

~~**5. Landscaped and screened parking areas with natural landscape swales for stormwater and aesthetics.**~~

~~**6. Coordinated lighting, retaining walls, street furnishings, public art and landscape design that ties together the highway corridor (i.e., "string" areas between Oceanlake, DeLake, Nelscott, Taft and Cutler City).**~~

~~**7. Visual compatibility with development on adjacent sites.**~~

~~**8. Reduced visual clutter associated with overhead utilities, freestanding signs (in the pearls), rooftop signs (in the strings), and outdoor storage.**~~

~~**9. Quality exterior building materials, surfaces, and textures.**~~

~~**10. Building locations close to street sidewalks and streetscapes that provide pedestrian amenities.**~~

~~**11. Connections between building entrances, sidewalks and associated pedestrian areas to encourage visual and physical integration with a strong sense of place.**~~

~~**12. Stepped-down building scale adjacent to pedestrian routes.**~~

~~**13. Pedestrian-oriented ornamentation and detail at ground level in architectural and landscape designs.**~~

~~**14. Multi-planed pitched roofs with meaningful overhangs and weather protection features such as awnings, canopies and pedestrian arcades.**~~

~~**15. Regular or traditional window rhythm.**~~

~~**16. Articulated building forms and massing with significant wall articulation.**~~

~~**C. In furtherance of this purpose, the city considers the following design features to be undesirable elements of commercial development:**~~

~~1. Poorly defined site access points.~~
~~2. Excessive surface parking lot paving and redundant driveways.~~
~~3. Disjointed parking areas, confusing or unsafe circulation pattern.~~
~~4. Square, box-like structures with large, blank, unarticulated wall surfaces.~~
~~5. Highly reflective surfaces or heavily tinted glass storefronts.~~
~~6. Strongly thematic architectural styles including some forms of franchise architectural styles associated with some chain commercial establishments.~~
~~7. Inadequate landscape buffers adjacent to parking lots, walkways, streets, and the highway.~~
~~8. Visible outdoor storage, loading, and equipment areas.~~

~~17.74.020 Applicability.~~
~~A. This chapter applies to all commercial and mixed use development in the General Commercial and Recreation Commercial zones for which site plan review is required, except where superseded by a specific plan district or overlay zone (e.g., Oceanlake and Taft) established for a similar purpose. Different standards apply depending on whether a property is within a designated "pearl" or "string" district.~~
~~B. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; however, where more than 50 percent of the use or development is to be modified, the entire use or development, as applicable, shall comply with the provisions of this chapter.~~
~~C. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~
~~D. Where conflicts occur between the design standards and other municipal code regulations or other ordinances, the provisions of this chapter shall apply.~~
~~E. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations.~~

~~17.74.030 Administration of design standards and guidelines.~~
~~A. Site Plan Review. For properties within the RC and GC zones, site plan review required by LCMC 17.52.240 must include review of these commercial design standards. The site plan review process is an administrative review by the planning director. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~
~~1. The applicant has requested an adjustment or modification to one or more code standard(s), as provided in subsection (D) of this section; or~~
~~2. The applicant requests a hearing; or~~
~~3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~

B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.

1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.

2. Standards use the words "shall" or "must" and are mandatory.

3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.

4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.

5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.

6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.

7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified (severability).

C. Burden of Proof. The applicant must demonstrate how his or her proposal meets all of the applicable standards contained in this chapter and other applicable city regulations. The applicant must also demonstrate that the proposal is consistent with the guidelines, or provide evidence of why a particular guideline is not relevant given the context of the site and proposed use.

D. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:

1. The code's guiding principles, as contained in Article II of this chapter, and the intent statement(s) under the applicable standard to be adjusted (Article III of this chapter) can be better met through a proposed alternative design solution; or

2. Necessary characteristics of an allowed use present practical difficulties in meeting a standard. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).

Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design

~~solution given the site's context and the purpose of the code. The decision-making body shall refer to the purpose and intent in LCMC 17.74.010, and the intent under each standard to be adjusted, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~Article II. Guiding Principles~~

~~17.74.040 Guiding principles – Pearls.~~

~~The following are intended to serve as interim design standards for areas zoned GC-PO and RC-PO until the city adopts redevelopment plans and implementing regulations for such areas. The standards reflect the following values and objectives:~~

~~A. Enhance Lincoln City's historic village centers.~~

~~B. Facilitate the development of compact, walkable village centers.~~

~~C. Support the formation of a mixed use, pedestrian-oriented district serving residents and visitors.~~

~~D. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared private off-street parking.~~

~~E. Encourage architecture that is consistent with the character of each village or pearl, while ensuring that new development creates a close, intimate human scale and architectural designs address all four sides of a building.~~

~~F. Encourage the use of contextually appropriate materials, textures and colors.~~

~~G. Promote storefront uses by orienting buildings and their entrances to the street or to pedestrian spaces abutting the street.~~

~~H. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.) oriented to take advantage of southern exposures; pedestrian spaces should help identify the village, create intrigue, and offer weather protection and comfort to pedestrians while adding value to adjoining properties.~~

~~I. Break down large building masses and provide visual interest along the street.~~

~~J. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.~~

~~K. Treat corner lots as focal points with vertical elements, public art, seating, and other design features.~~

~~L. Provide weather protection where commercial and mixed use buildings abut the street.~~

~~17.74.050 Guiding principles – Strings.~~

~~A wide variety of site conditions within the commercial areas of the community make uniform application of design standards difficult. Most of the string areas are developed with commercial uses, although some are sparsely developed. Some buildings are placed right up to the highway; others are set back 100 feet or more behind large parking lots. In many locations, grade changes make connections between individual properties difficult and have resulted in a disjointed pattern with closely spaced driveways onto the highway and few secondary accesses or local street connections. The design standards for strings are intended to accomplish the following objectives:~~

~~A. Improve transportation operations and safety for all modes of travel.~~
~~B. Better integrate land use and transportation planning.~~
~~C. Protect and enhance aesthetic values.~~
~~D. Contribute to the unique identity and design of each pearl (e.g., by providing landscape and building orientation standards that distinguish between strings and pearls).~~

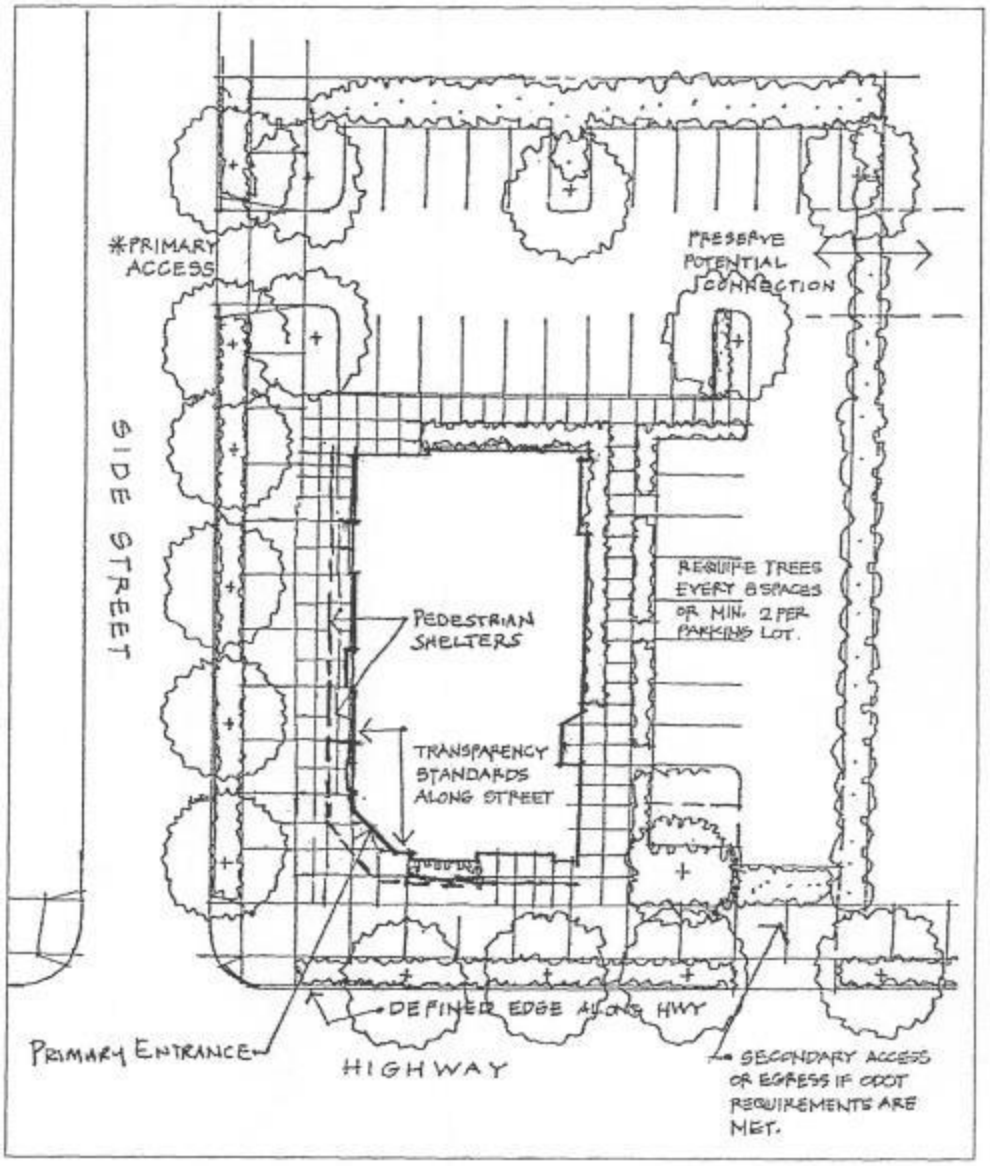
~~Article III. Design Standards and Guidelines~~

~~17.74.060 Site design.~~
~~A. Intent.~~
~~1. Define the edges of the highway with noticeable transitions between strings and pearls.~~
~~2. Institute a continuous landscape frontage. Utilize planters with shrubs and street trees in tree wells where space does not allow planting strips.~~
~~3. Orient buildings to streets or, where buildings are to be set back from the street, require pedestrian orientation and appropriate landscaping.~~
~~4. Maintain on-street parking where it currently exists.~~
~~5. Over time, remove visual clutter along streets, such as power poles, overhead lines, rooftop signs, and internally illuminated freestanding signs.~~
~~6. Use coastal vegetation in landscapes.~~
~~7. Use landscapes and building orientation to create visual transitions between pearls and strings.~~
~~8. Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs where practicable.~~
~~9. Facilitate the development of a continuous pedestrian network and bicycle ways connecting pearls and strings and extending into adjacent neighborhoods.~~
~~10. Reduce reliance on the highway for local vehicle trips (e.g., from one store to another store in the same vicinity).~~
~~11. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared off-street parking.~~
~~B. Standards. Due to the wide variety of site conditions and challenges posed by existing parcel configurations and development patterns, the city has adopted flexible, performance-based site design standards.~~
~~1. Building Setback, Orientation and Pedestrian Circulation. In determining the specific access, circulation, building orientation, and street frontage requirements for a particular project, the applicant, in consultation with the planning director, shall select from prototypes in subsections (B)(1)(a) through (f) of this section. Within pearl areas, at least 50 percent of the street-facing elevation of new buildings must be within 20 feet of the right-of-way, or the primary building entrance must be within 10 feet of the right-of-way and directly connected to a public sidewalk. New buildings within string areas shall be not more than 40 feet from public right-of-way or shopping street, consistent with the performance standards in this section. Primary building entrances may be oriented to a front yard or a side yard, consistent with the standards specified in subsections (B)(1)(a) through (f) of this section.~~

~~**a. Corner Property. On corner properties designated "pearl," buildings shall be oriented to the corner, with vehicle access provided from a side street. Primary building entrances shall be located within 20 feet of a street right-of-way. The building shall meet transparency and weather protection standards along all street-facing elevations. If the primary building entrance is more than 20 feet from the sidewalk, a minimum 10-foot landscape pedestrian space shall connect them.**~~

~~**If a property is designated "string," the building entrance need not be oriented to a corner; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way, except where the screen is interrupted for walkways required by code. See LCMC 17.74.120, Landscaping.**~~

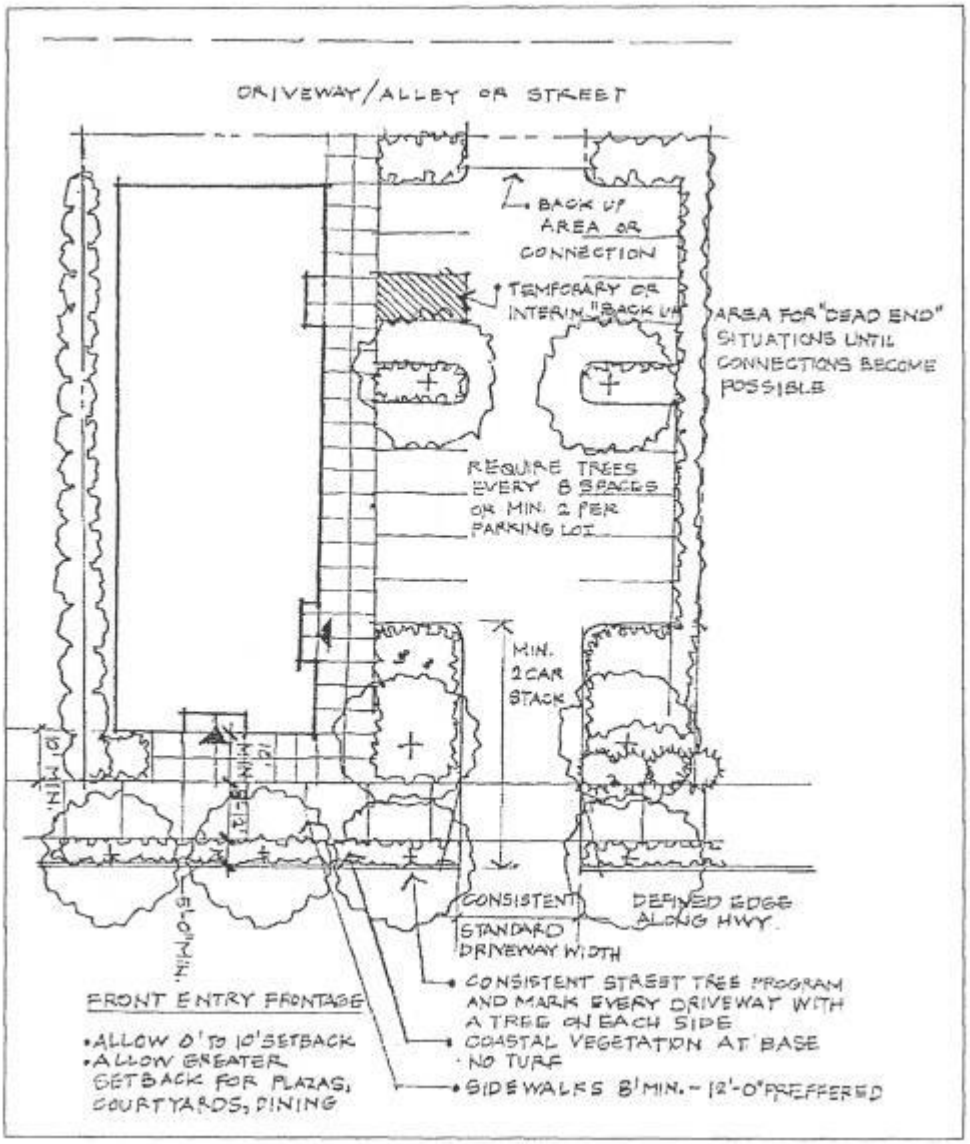
~~**Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~



~~b. Front Entrance at Street. On non-corner parcels designated "pearl," the building shall be oriented to the street and have a primary entrance placed at or within 10 feet of the right-of-way. This maximum setback distance may be increased only where a pedestrian space of not less than six feet in width connects the sidewalk and primary building entrance, and no parking is allowed between them. The building shall meet weather protection and transparency standards along all street-facing elevations.~~

~~If a~~ **~~property is designated "string," the building entrance need not be placed within 10 feet of the street edge; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.~~**

~~**Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~

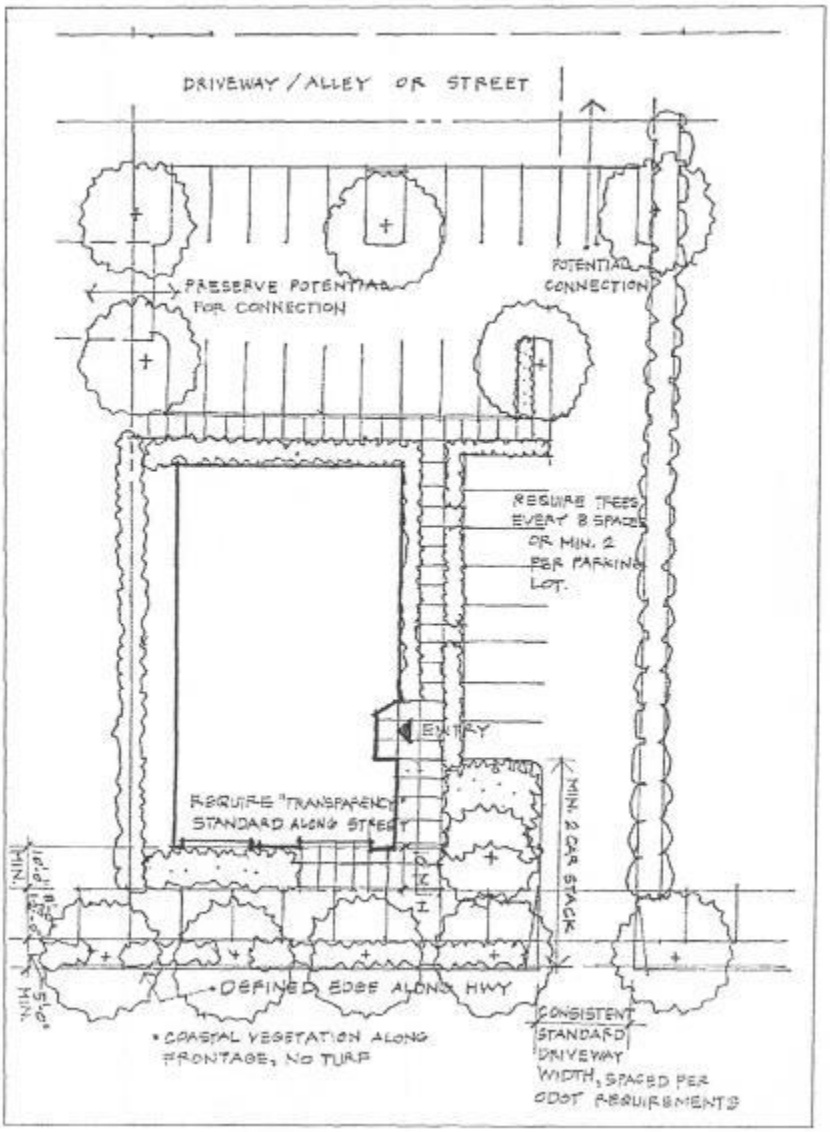


~~**c. Building at Street with Side Entrance. On properties designated "pearl," and where the planning director determines that a building may have its primary entrance placed on a side elevation not facing a street, a primary building entrance shall be placed within 40 feet of a street right-of-way, and a pedestrian pathway shall connect the entrance directly to the right-of-way. No parking shall be located between the building and any street frontage. The building shall meet weather protection and transparency standards on all street-facing elevations.**~~

~~**If the primary building entrance is more than 20 feet from the sidewalk, a pedestrian space of not less than six feet in width shall connect them. See LCMC 17.74.100, Pedestrian spaces.**~~

~~**Where a property is designated "string," the building entrance need not be placed within 40 feet of a street right-of-way, and surface parking may be located between the building and street; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.**~~

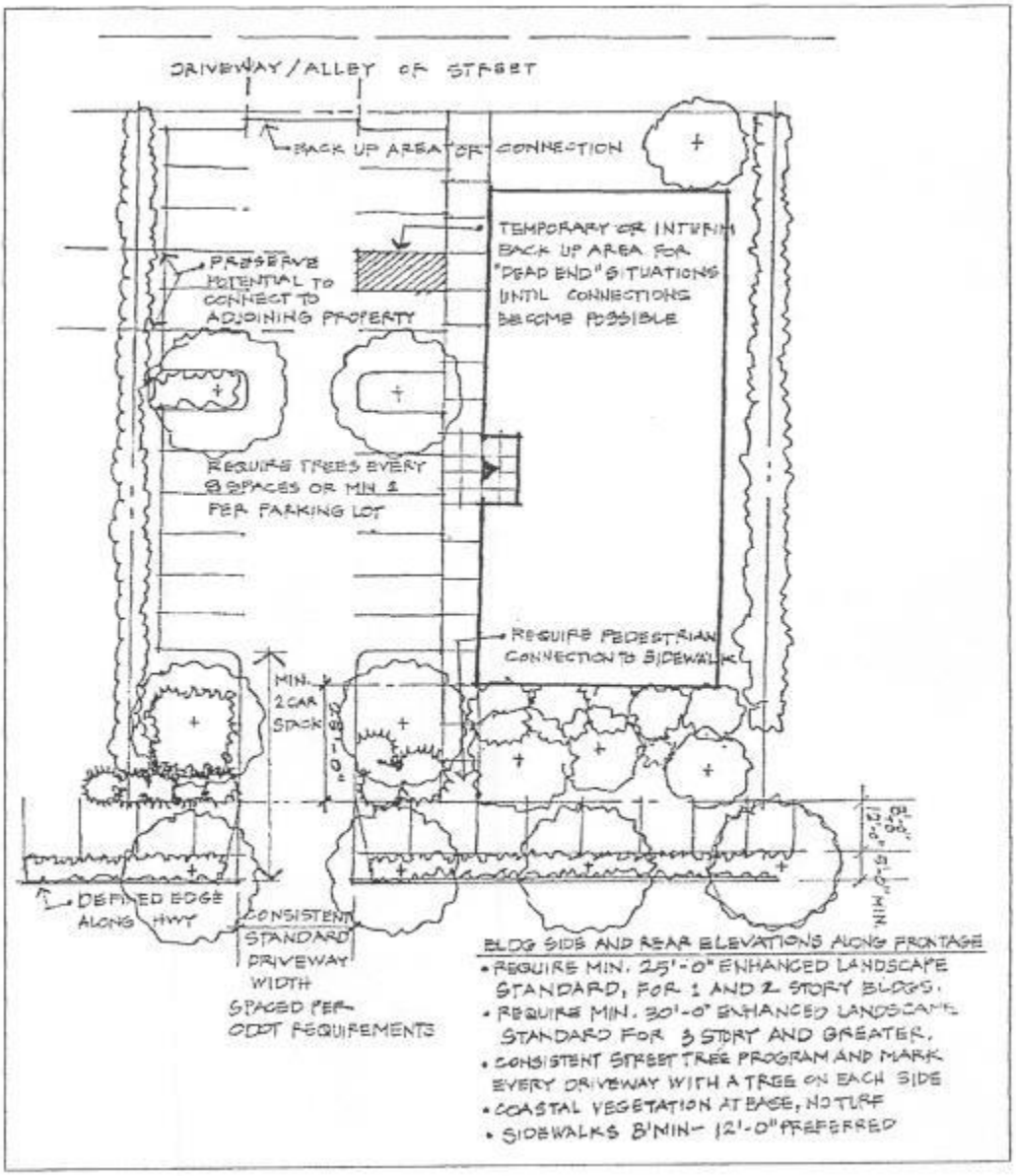
~~**Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~



~~**d. Building Set Back with Side Entrance. Where the planning director determines that a building may be oriented to an internal parking area and it may have its primary entrance placed on a side elevation (strings only), the following standards shall apply: all street-facing elevations and elevations on which a primary building entrance is placed shall meet the transparency and weather protection requirements of this code.**~~

~~**No parking shall be located between the building and street; buildings with primary entrances more than 40 feet from the street edge need not meet weather protection and transparency standards along the street frontage; provided, that a landscape buffer of 25 to 30 feet in width shall be planted in front of those portions of the wall facing the street that do not meet the standards. (Plantings shall conform to the "volume landscape" requirements of this code.) See LCMC 17.74.120, Landscaping.**~~

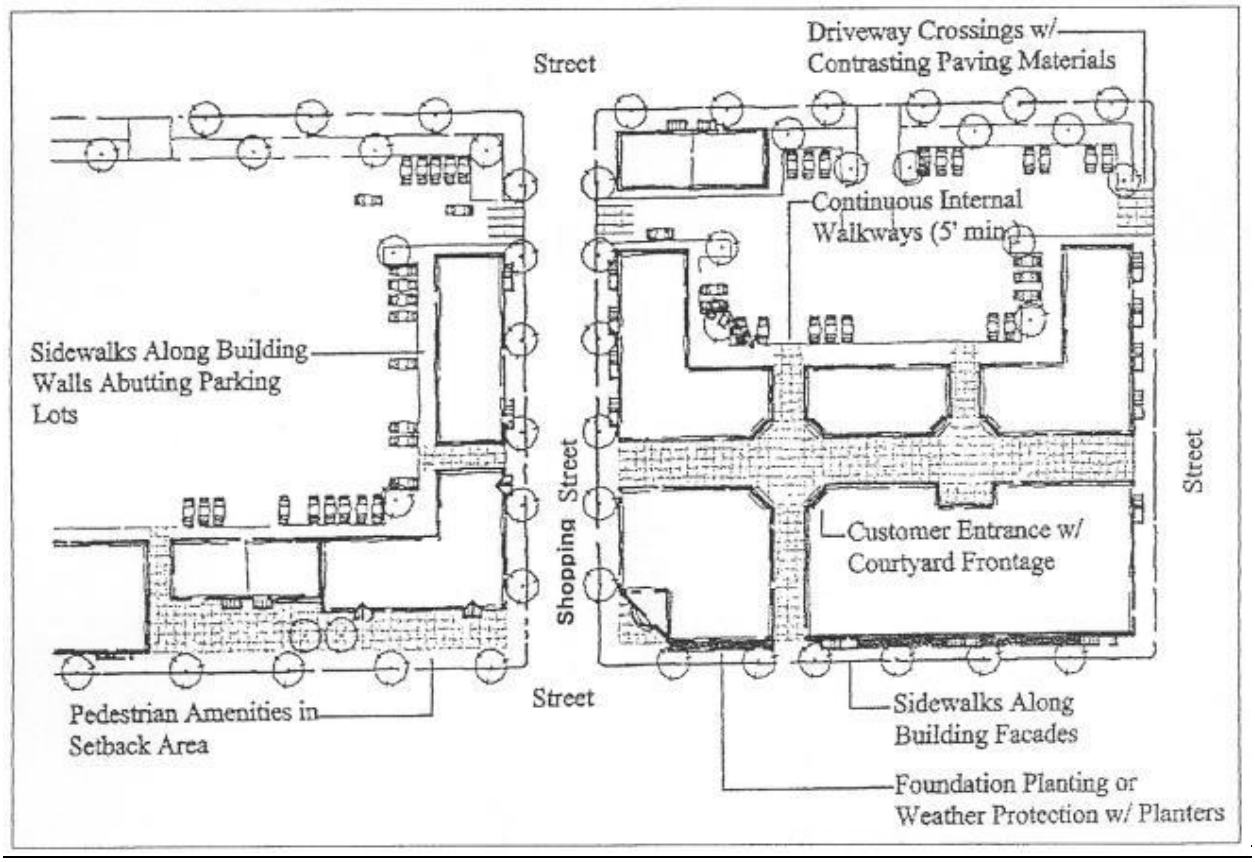
~~**Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.**~~

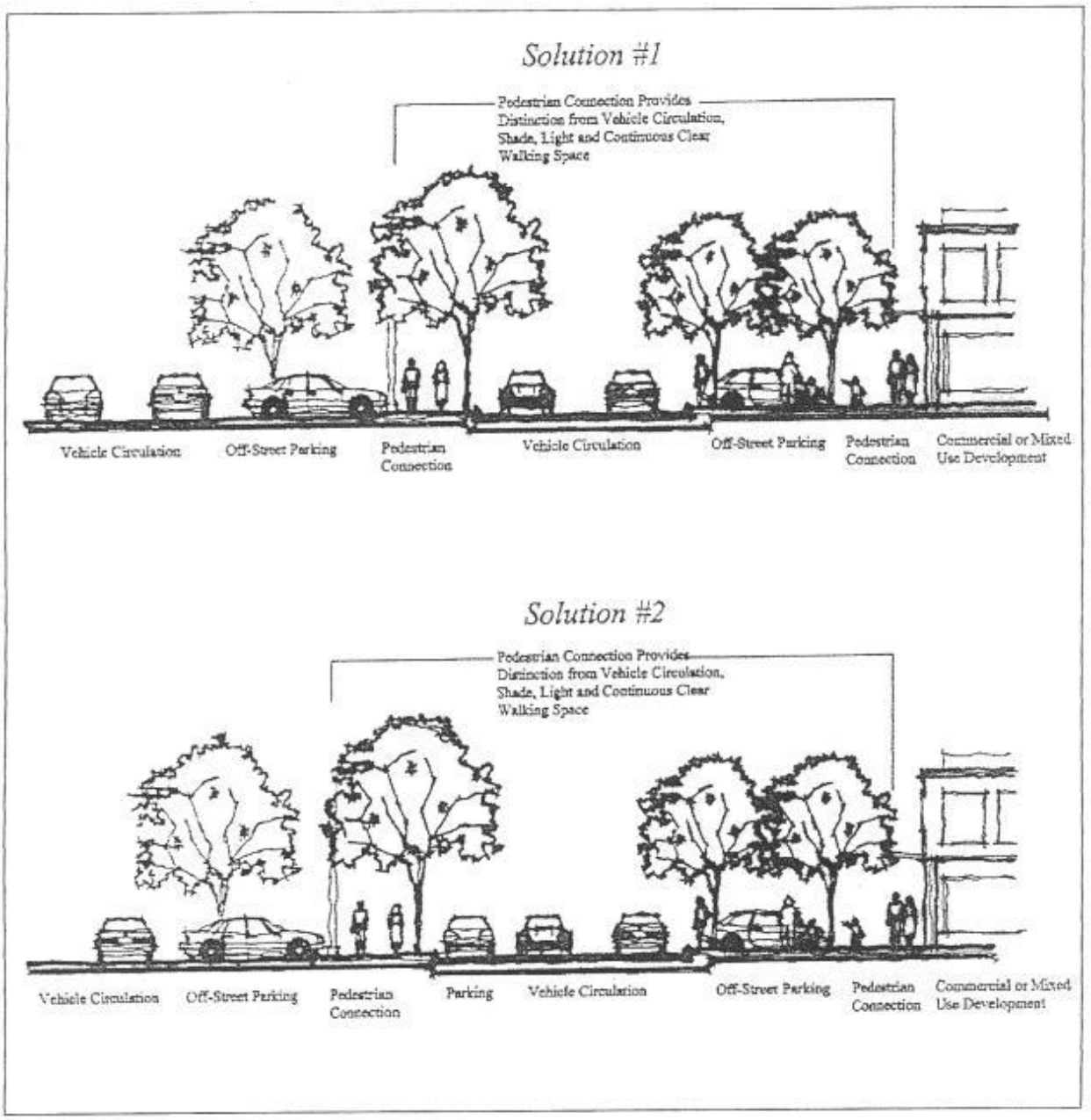


~~**e. Parking in Front. Where the planning director finds that multiple buildings and/or building pads should be set back from the street right-of-way behind surface parking**~~

~~and oriented to internal driveways instead of streets (strings only), such driveways shall be designed as "shopping streets." Shopping streets shall contain, at a minimum, on-street parking, sidewalks/walkways with raised curbs, street trees and pedestrian lighting, as generally shown below. Such buildings may have their primary entrance(s) placed along the shopping street instead of a public street; in such cases, primary building entrances shall be within 10 feet of a walkway (eight-foot minimum width), except where a pedestrian space (e.g., plaza or outdoor seating area) is provided, the setback may be increased accordingly. Surface parking shall be set back and screened from the street right-of-way behind a 20-foot (minimum width) landscape buffer. Buildings shall meet weather protection and transparency standards along all shopping streets. See LCMC 17.74.080, Building design, and LCMC 17.74.120, Landscaping.~~

~~Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~



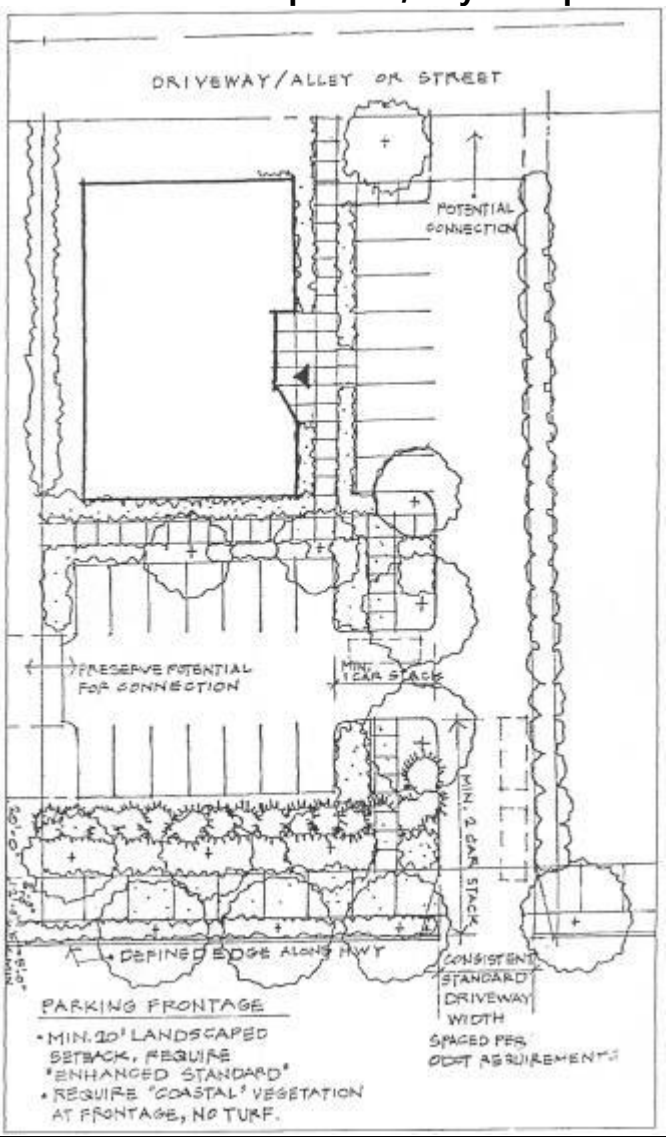


~~**Examples of internal shopping streets that meet the building orientation requirement when building(s) are not oriented to the highway (strings only). Note: The above driveways do not have to extend through to Highway 101; provided, that a pedestrian connection is made to required sidewalk.**~~

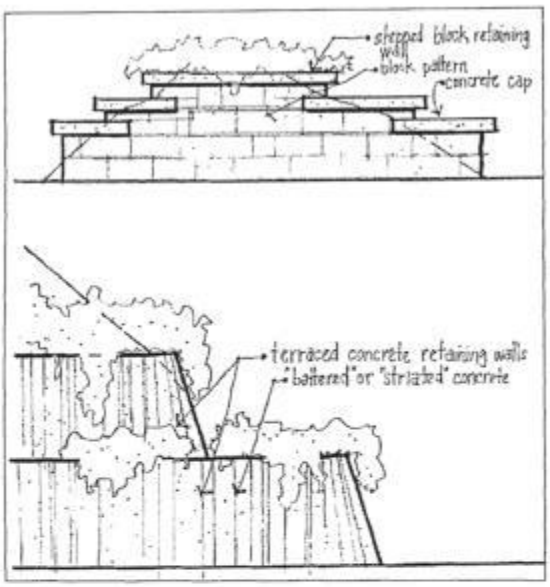
~~**f. Parking in Front without Shopping Street. Where the planning director finds that it is necessary to place surface parking between a building's primary entrance and the highway or other public street (strings only), and it is not possible to develop an internal shopping street as described above, e.g., due to the small size of a property, its configuration, or other physical site constraints, then the following standards shall apply: all surface parking and internal drives shall be set back at least 20 feet from the**~~

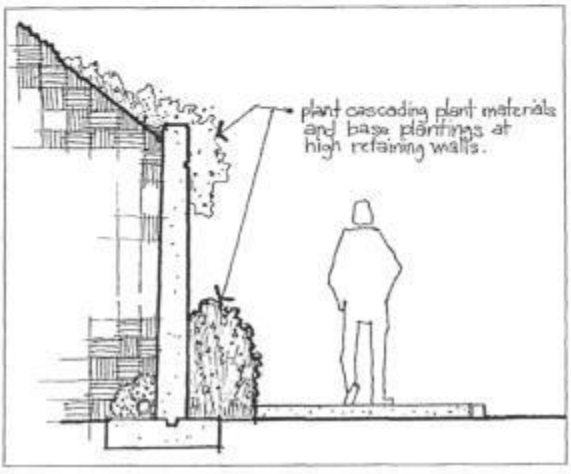
~~street right-of-way behind a landscape buffer; adequate vehicle queuing distances shall be provided between the highway right-of-way and all parking areas, subject to review and approval by ODOT; a six-foot minimum width walkway shall connect the primary building entrance to a public sidewalk with three-foot minimum width planter strips placed between such walkways and abutting driveways; raised or textured paving with ADA wheelchair accessible ramps shall be provided at all pedestrian crossings of vehicle areas; and provisions shall be made for potential future driveway extensions as adjacent properties are developed or street connections can be made. See also LCMC 17.74.120, Landscaping.~~

~~Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~



~~**2. Property with Grade Change. Where retaining walls are required adjacent to a public right-of-way (strings or pearls), they shall incorporate rusticated concrete block, striated or battered concrete, or natural stone. Applications for site plan review shall include proposed retaining wall detail drawings.**~~





~~**17.74.070 Pedestrian circulation.**~~

~~**Pedestrian facilities shall be provided in accordance with the site design standards in LCMC 17.74.060.**~~

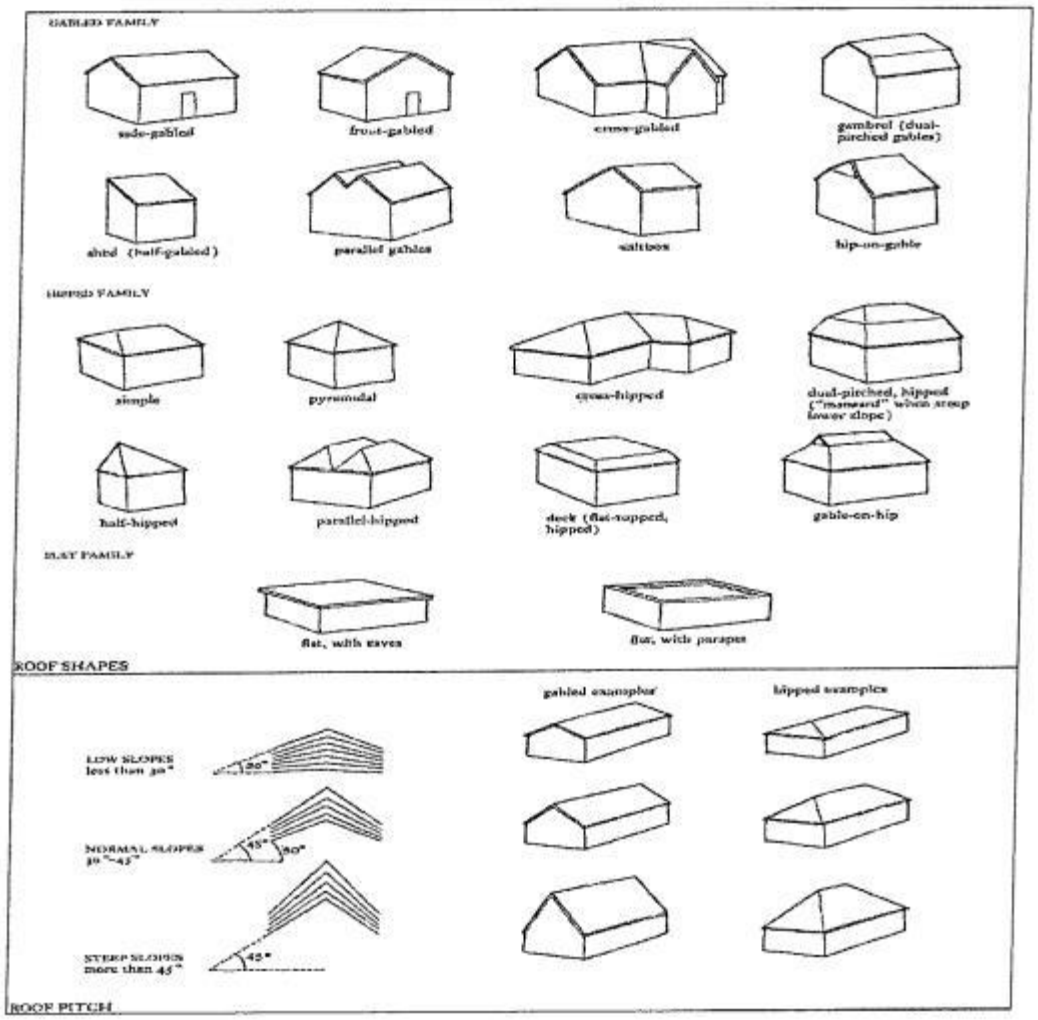
~~**17.74.080 Building design.**~~

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

~~**1. Eclectic coastal architecture.**~~

~~**2. Building orientation to streets to create a sense of enclosure and human scale.**~~

~~3. Articulated building facades to break up large volumes and promote human scale.~~
~~4. Contextually appropriate materials, textures and colors.~~
~~5. Storefront character (windows, pedestrian shelter, furnishings, etc.).~~
~~6. Corner buildings that serve as focal points with vertical elements, furnishings and/or public art.~~
~~B. Standards.~~
~~1. Height.~~
~~a. Maximum Height. Maximum height is established by the underlying zone.~~
~~b. Minimum Height. Buildings within pearls (GC-PO or RC-PO zoned properties) shall be built to a height of not less than 18 feet where those buildings are required to orient to a public right-of-way. The minimum height is intended to maintain a sense of enclosure of the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height.~~
~~2. Building Form.~~
~~a. Overall Design. Architectural designs shall address all four sides of a building, for example by continuing architectural elements (e.g., articulation, materials, detailing, etc.) around building corners. New buildings should not mimic any other building in their form or detailing, but instead should reflect the predominant form(s) within each pearl or string, as applicable, while expressing individuality.~~
~~b. Stepped Rooflines. Height should vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or slightly dissimilar height from building to building. Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the ground floor, and by having the taller building reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section concerning storefront character.~~
~~c. Roof Forms. Roof designs shall conform predominately to one of the following: flat with stepped parapet, gabled, or hipped. Secondary roof forms may include towers, dormers, turrets or other features with rounded (e.g., split-barrel), shed (e.g., dormer), pyramidal, or crossing elevations. Gambrel, dual-pitched (e.g., hipped "mansard"), deck (flat-topped, hipped), A-frame, and similar roof forms are discouraged. Where roofs are pitched, a minimum pitch of at least 30 degrees should be maintained.~~



~~3. Window Transparency.~~

~~a. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~b. Standard. Consistent with a desired storefront character, and to avoid the creation of large blank walls, buildings shall have large display windows, windowed doors and transom windows. In the pearls this standard is met when the ground floor, street-facing elevation of a building between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade is comprised of at least 60 percent transparent windows. In the strings, this standard is reduced to 40 percent. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings not containing a street-facing elevation, such as those that are set back behind~~

~~another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the transparency standard on all elevations abutting pedestrian space(s) and on elevations containing a primary entrance. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~4. Building Orientation. New buildings shall be placed consistent with the performance standards in LCMC 17.74.060, Site design.~~

~~5. Primary Entrances. Buildings shall have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet (e.g., either by recess, overhang, canopy, portico and/or awning) extending from the building entry. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

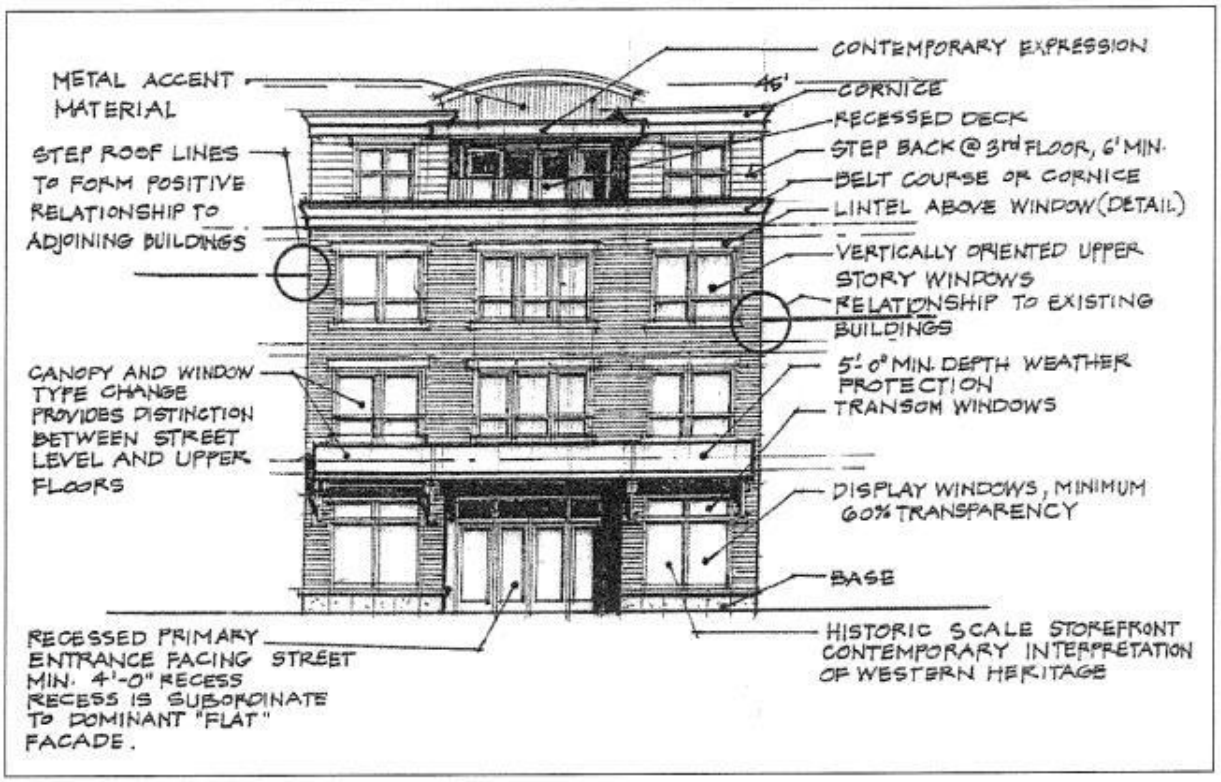
~~6. Secondary Entrances. Buildings in pearl areas should provide at least one entrance for every 40 feet of street frontage, consistent with a walkable storefront character. Where it is not practical to provide entrances every 40 feet (e.g., a large building is designed for only one or two uses requiring street access), building entries may be spaced an average of 90 feet apart or less.~~

~~7. Armature of the Block. In pearl areas, where practical, the width of buildings should extend from side lot line to side lot line, to create a human scale and to maintain continuity of the storefront character.~~

~~8. Building Mass (Strings and Pearls).~~

~~a. Articulation. Building elevations shall incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Elevations of a structure shall be divided into smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space or adjacent property. When an elevation of a primary structure is more than 800 square feet in area, the elevation must be divided into distinct planes of not more than 800 square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one foot from the adjacent plane, for a length of at least six feet. Changes in plane may include but are not limited to recessed entries, bays, stepped parapets, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features that are consistent with the overall composition of the building. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~



~~Figure 17.74.080-1: Example of acceptable building elements (applicable to single- or multi-~~
~~story buildings).~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes.~~
~~Where wheelchair ramps are required, the ramp design shall incorporate materials and~~
~~detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3) of this~~
~~section and should contain windows that are framed by piers or pilasters (sides);~~
~~awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative~~
~~detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or~~
~~similar features) is encouraged. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or~~
~~have a width that is no greater than the width of the ground floor windows.~~
~~(Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~c. Projecting Windows, Display Cases. For durability and aesthetic reasons, display cases,~~
~~when provided, shall be integral to the building design (not affixed to the exterior) and~~
~~contain trim or other detailing consistent with the overall composition of the building.~~

~~d. Entrances. Ground level entrances shall be at least partly transparent. This standard may~~
~~be met by providing a door with a window(s), a transom window above the door, or~~
~~sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-~~
~~facing elevation, they shall be visible from the street for security and have a canopy,~~

awning, or other weather protection shelter. Where drive-up windows or similar automobile-oriented uses are provided, they shall conform to the standards in LCMC 17.32.040.

f. Corner Entrances. Buildings on corner lots should have corner entrances, consistent with LCMC 17.74.060, Site design. Such entrances are not required to be recessed, but shall have an awning or canopy of at least five feet in depth for weather protection. Where a corner building is to be built in a pearl area but does not have a corner entrance, it shall provide for a corner plaza consistent with LCMC 17.74.100, or architectural features shall be provided honoring the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.74.100, Pedestrian spaces.)

g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features should be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.). The approval body may require modifications to a proposed design to address scale and proportion.

11. Horizontal Rhythms.

a. Horizontal Lines. New building designs and exterior remodels should establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)

b. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)

c. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)



Figure 17.74.080-2: Rhythm, massing, and building openings.

12. Vertical Lines. New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a human scale. Building designs for corner properties in pearl areas should accentuate the corner location with a vertical element. (Recommended: Figure 17.74.080-3.)

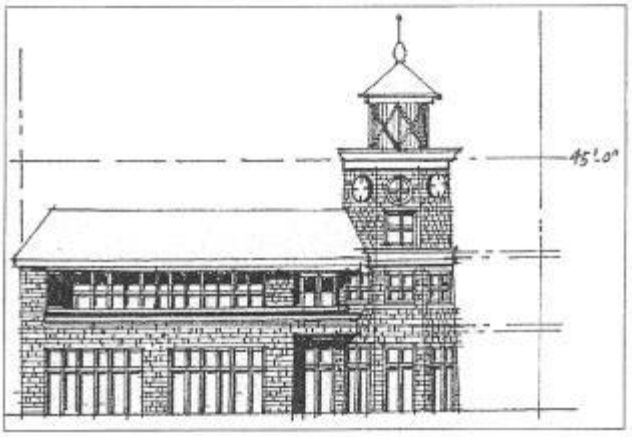


Figure 17.74.080-3: Example of vertical element and desirable building height on a corner property in a pearl.

13. Materials and Color.

a. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the

~~primary exterior cladding. The following may not be used as primary cladding on new buildings: corrugated metal, foam/synthetic stucco, and similar materials as determined by the decision body. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the materials listed as primary materials may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsections (B)(13)(a) and (c) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

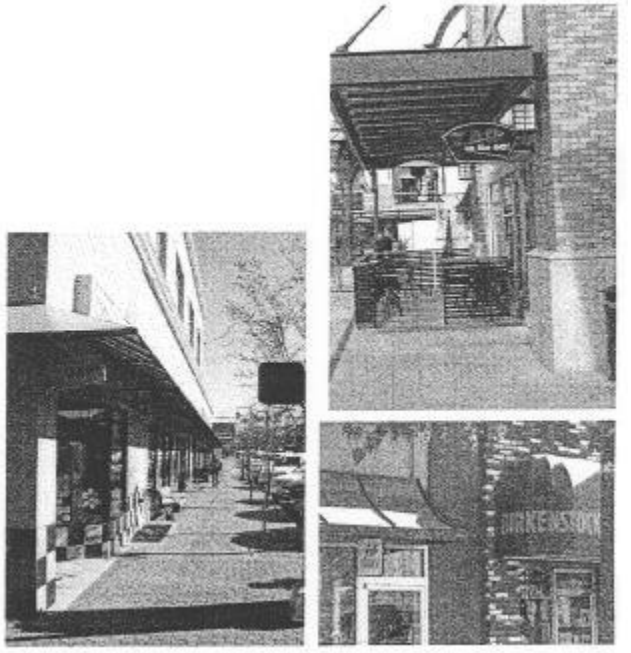
~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Buildings that resemble suburban strip-malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar non-traditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over) to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If~~

~~mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~



~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.~~

~~15. Mechanical Equipment.~~

~~a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view from all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~b. Rooftops. Rooftop mechanical units shall not be visible from any street.~~

~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.090 Transportation and streetscape standards.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective.~~

~~Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to site design standards in LCMC 17.74.060, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the standards in LCMC 17.74.060. When streetscape improvements are required of new development, such improvements shall conform to the TSP.~~

~~2. A connection to a rear alley or shared driveway (where applicable) may be required, or where such connection cannot be made, a temporary turnaround may be required.~~

~~3. Streetscapes. Where a project is subject to a redevelopment plan, it shall conform to applicable streetscape provisions (e.g., sidewalks, street furnishings, etc.) of the redevelopment plan. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.100 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for the pearl areas should be offset by pedestrian spaces along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Therefore, projects within pearl areas are required to contribute their proportionate share of pedestrian space. String area projects are encouraged to incorporate appropriate pedestrian space. Pedestrian spaces count toward the required minimum landscape area in each zone.~~

~~B. Standards.~~

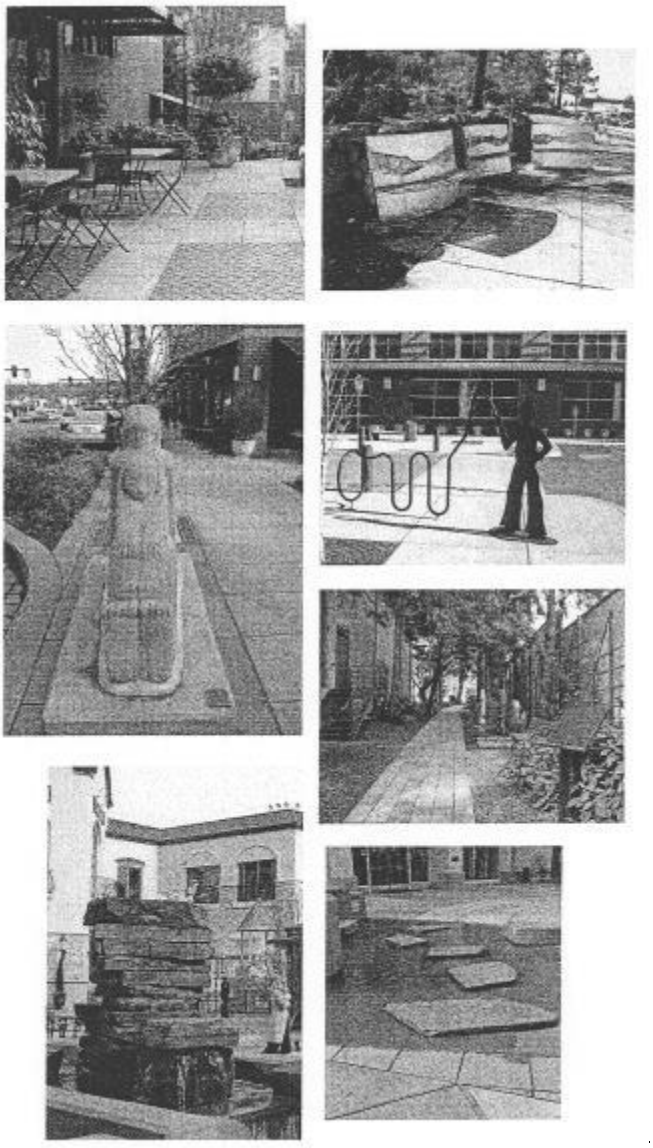
~~1. Pedestrian Space Standard. At least three percent of every pearl development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~The reviewing authority may find that the creation of pedestrian space is not practicable based on the project location or other relevant factors. In such cases, the city may accept an in-lieu fee equal to the fair market value of the land and improvements that would~~

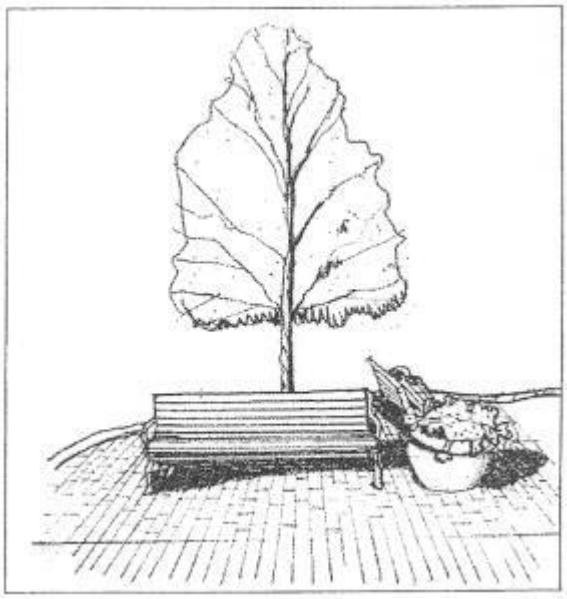
~~have otherwise been required. The fair market value shall be determined after the city approves the site plan review application and before issuance of any building permits on the project.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.74.100-1 and 17.74.100-2.)~~



~~Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.~~



~~Figure 17.74.100-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent requirement. (See Figure 17.74.100-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the planning and community development director.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not counted in the pedestrian space(s) required under subsection (B)(1) of this section. Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.~~

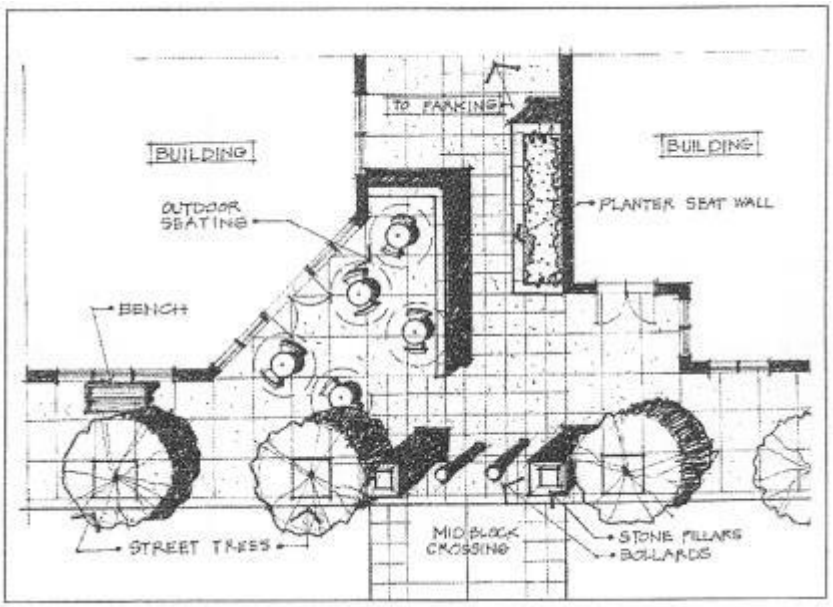


Figure 17.74.100-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.

17.74.110 Parking.

The off-street parking standards are the same as provided in Chapter 17.56 LCMC, except that credit toward minimum parking standards shall be granted for on-street parking spaces abutting the development. Shared parking between uses is allowed, in conformance with LCMC 17.56.060.

17.74.120 Landscaping.

A. Intent. Lincoln City is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations. Landscaping must conform to the following provisions, in addition to those in LCMC 17.52.100.

B. Standards.

1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable

~~(e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area.~~

~~The planning commission may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and, on parking lot islands and in park strips along a street, shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be non-invasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged;~~

~~ii. Turf and grass is discouraged, except in residential developments;~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to the total number required to achieve at least half of the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then at least two three-inch trees of the same or comparable species shall be planted. Alternatively, the reviewing authority may require fewer trees of a larger size be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

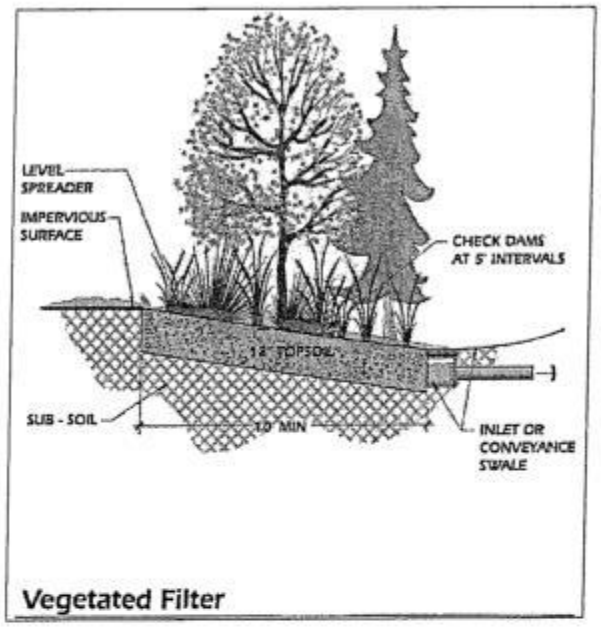
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

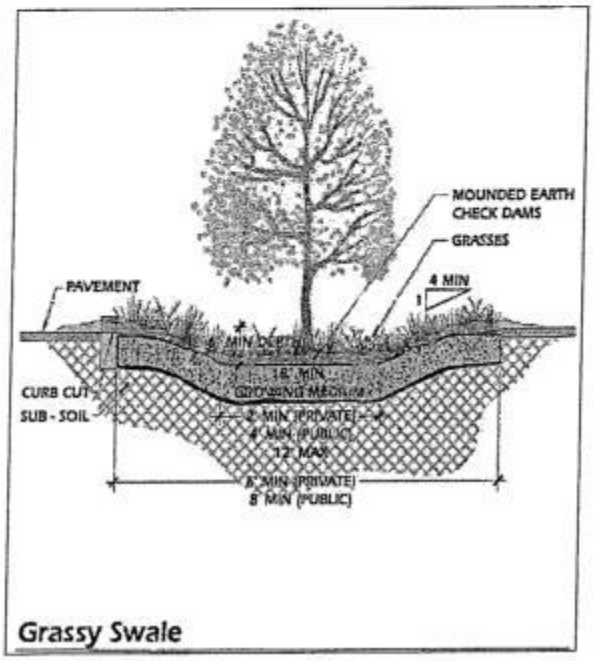
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall have perimeter landscaping, as described above. Surface parking lots containing more than 20 parking stalls shall be divided into rows of not more than 12 continuous parking spaces. (Recommended: Figure 17.74.120.)~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.74.120.)~~

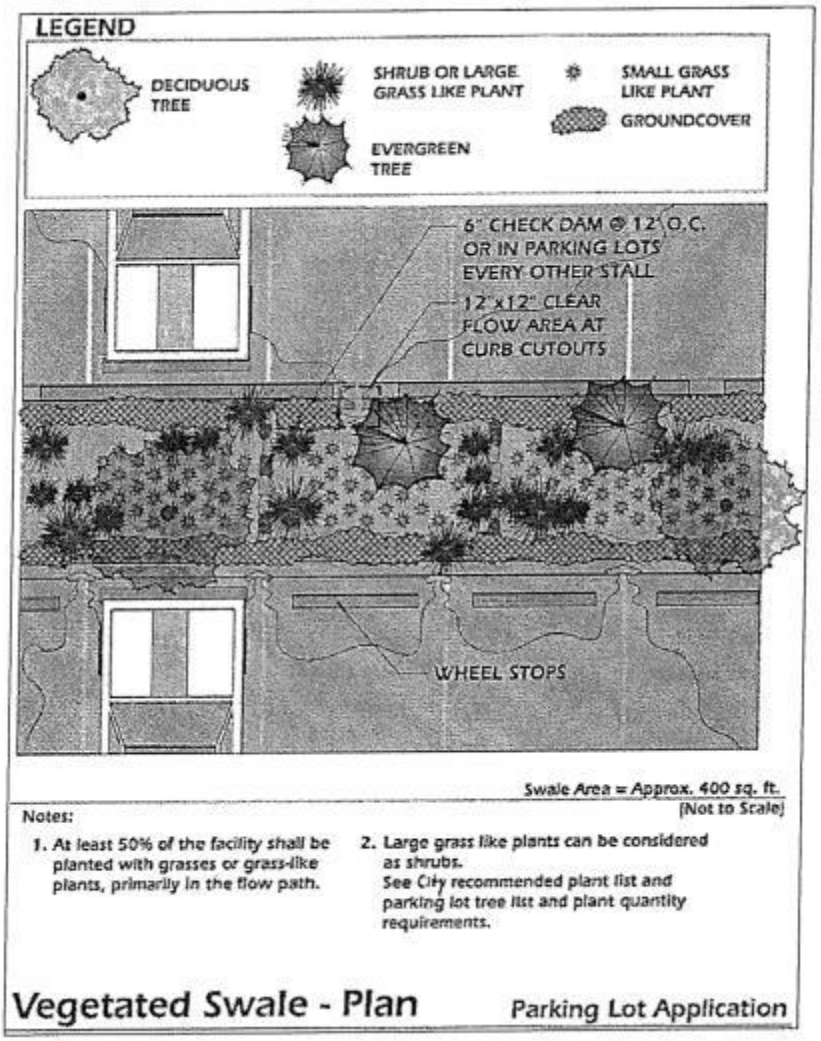


Vegetated Filter



Grassy Swale

1



~~Figure 17.74.120: Typical parking lot landscaping concepts, incorporating water quality features.~~

~~17.74.130 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Outdoor lights should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. Urban renewal plans for some areas (e.g., Taft and Oceanlake) include sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights in string areas need not be designed to a highway scale.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be~~

~~reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

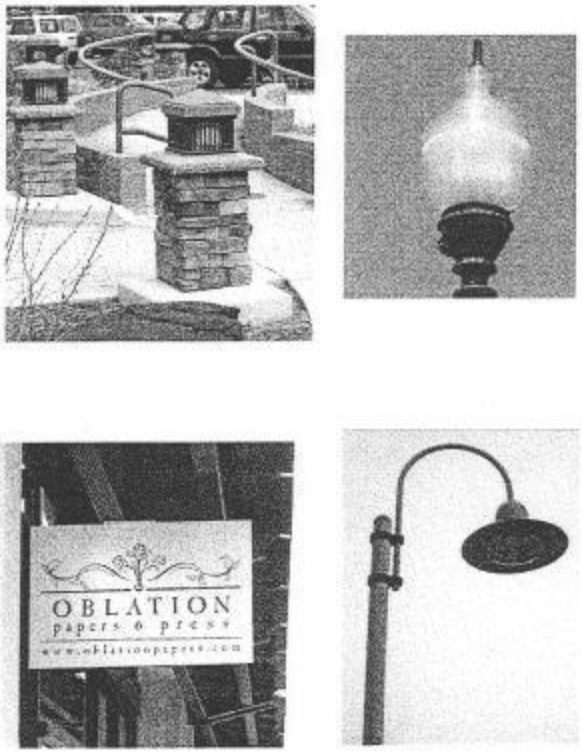
~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~**f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.**~~

~~**g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.**~~



~~**Figure 17.74.130: Examples of acceptable lights.**~~

SECTION 15. Change in terms.

The term "setback" will replace "yard" when used in the phrase "yard requirement" throughout Title 17.

SECTION 16. Measure 49 Reservation.

Notwithstanding the amendments to this Title, including Section 2 of this ordinance, the Lincoln City Municipal code as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, are successfully made against this ordinance, pursuant to Ballot Measure 49.

SECTION 17. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and 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 18. 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 19. Savings.

Notwithstanding the amendments to Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 20. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 21. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 17-21) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 27th of July, 2020 (First Reading) and on the 27th of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th of July, 2020.

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinance 2020-10 (Design Standards)

Lincoln City's appearance has become a concern and priority for city leaders and citizens alike, but exactly how to improve the streetscapes and buildings remains a question. One way the city can influence community appearance is through design guidelines and standards for new construction. The city's planning and community development department hired a consultant to assist with examining the current design guidelines and standards and revising them as necessary to achieve the desired look and function.

During 2018 and the first half of 2019, the consultant assisted the city by: Establishing a vision, goals, objectives, and policies for streetscape aesthetics and building design; Determining preferences through a public education and outreach program that contemplated alternative community aesthetics and design concepts; Proposing new or revised code sections that will result in a streetscape aesthetic and building design that are practical, affordable, and appropriate for the community and environment; Identifying ways to improve administration of the site plan design review standards.

To guide this project and provide insight into the community's aesthetic and design preferences, a project advisory committee was formed, representing individuals with design experience and representatives of local businesses, neighborhoods, and organizations. The first meeting of the project advisory committee was June 22, 2018 in the NW Conference Room of city hall. At that meeting, the committee discussed goals for the project and identified criteria for reviewing the current design guidelines and standards. The consultants conducted a visual preference survey and workshop, and shared key findings with committee members at a second meeting held later in 2018. The group confirmed a strategy for moving forward. A final meeting was held with committee members in June 2019 to review a rough draft of proposed changes to Chapter 17.20 and Chapter 17.74.

Work studies were held with the Planning Commission in June and July 2019 to discuss the draft ordinance. A draft ordinance was sent to the Department of Land Conservation and Development on July 2, 2019 along with a notice of public hearing. The public hearing was noticed to be held with Planning Commission on August 6, 2019 and City Council on September 9, 2019. Due to a lack of quorum on August 6, 2019, the public hearing was continued to August 20, 2019. The public hearing was not held on August 20, 2019 and was continued to September 3, 2019, then to September 17, 2019, then to October 15, 2019, then to January 21, 2020, and then to March 17, 2020. The public hearing was continued to and held on May 5, 2020. The Planning Commission recommended approval of the proposed amendments, with minor changes.

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, despite all the process, the design standards were only slightly altered. The most significant substantive change was to make the standards uniform rather than having slightly different standards for the City's "strings" versus the "pearls." Like the changes in Ordinances 2020-13, 14 and 15, most of the changes were housekeeping, except for removing different standards in the pearls: Nelscott, Ocean Lake, and Taft.

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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 amendments 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 city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do 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 amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves 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 amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves 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, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to simplify and remedy unnecessarily different standards in the City's code that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city

hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity and uniformity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do 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 amendments do 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 amendments do 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 amendments do not relate directly to urbanization. Goal 14 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 amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is Not applicable.

(4) Urbanization Goal

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

The amendments do not relate directly to urbanization. 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 amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

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

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(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 amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity, uniformity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments will make more uniform the design standards in the code and eliminate unnecessary standards. The amendments should improve aesthetics. This goal is met.

(9) Transportation Goal

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

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. 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."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-13 Parking and Landscaping

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve Second Reading and adopt Ordinance 2020-13 entitled:

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

Staff Recommendation:

Staff recommends Council conduct Second Reading of Ordinance 2020-13 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:

Council completed First Reading on July 13, 2020.

Background materials for the proposed off-street parking and loading requirements are found in the public hearing Agenda items for Ordinance 2020-13. The Planning Commission recommended approval. Council directed the definitions be consolidated in a separate ordinance.

Council Options:

1. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Continue Second Reading to August 10,, 2020 [or]

4. Do not proceed with proposed ordinance.

Potential Motions:

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-13.

   [or]

2. Motion to set Second Reading for August 10, 2020.

Attachments:

2020-13 730pm (DOCX)
FINAL Ext. A Findings 2020-13,14 and 15. (DOCX)

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

*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 duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on February 11, 2020 while the amendment does not remove uses from any zone, on February 26, 2020 the amendment was included in a city-wide mailing under ORS 227.186(4); and

D. The Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, 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 June 22, 2020, closed the hearing, closed the record, and deliberated on the proposed amendments and on June 22, 2020 Council provided direction to staff to remove definitions and place them in a separate ordinance and to return with an Ordinance for adoption; 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 17.16 (*Single Family Residential (R-1) District*), Section 17.16.075 *is* hereby added to read as follows:

17.16.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 2. Chapter 17.17 (*Single Family Roads End (R-1-RE) District*), Section 17.17.075 *is* hereby added to read as follows:

17.17.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 3. Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.075 *is* hereby added to read as follows:

17.18.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 4. Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.065 *is* hereby added to read as follows:

17.24.065 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 5. Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.07*5* is hereby added as follows:

17.28.075 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 6. Chapter 17.28 (*Recreation Commercial (RC) Zon*e), Section 17.28.100 is hereby amended to read as follows:

17.28.100 Other required conditions.

~~**A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.**~~

~~**B**~~**A**. No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.

~~**C**~~**B**. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the zone shall utilize at least two of the following design features to provide visual relief along the front of the home:

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. Off-sets on building face or roof (minimum 16 inches).

~~D~~**C**. All commercial or mixed use buildings in the RC zone must conform to Chapter 17.74 LCMC, Commercial Design Standards.

SECTION 7. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.08*5* is hereby added to read as follows:

17.32.085 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

SECTION 8. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.110 is hereby amended to read as follows:

17.32.110 Other required conditions.

~~**A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100**~~.

~~**B**~~**A**. Outdoor Storage Areas. All outdoor storage areas shall be screened from ground level view from adjacent properties and from public streets.

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

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

~~**E.**~~**D.** All commercial or mixed use buildings in the GC zone must conform to Chapter 17.74 LCMC, Commercial Design Standards.

SECTION 9. Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.080. Paragraph A. is amended to read as follows:

17.36.080.A. Landscaping. Landscaping shall be provided in accordance with **Chapter 17.55 LCMC.** ~~**LCMC 17.52.100.**~~

SECTION 10. Chapter 17.40 (*Recreation Residential (RR) Zone*), Section 17.40.060. Paragraph I. 4. is amended to read as follows:

17.40.060.I.4. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.~~**LCMC 17.52.100.**~~

SECTION 11. Chapter 17.42 (*Park (P) Zone*), *S*ection 17.42.060. Paragraph C. Is hereby amended as follows:

17.42.060.C. Landscaping. Landscaping **shall be provided in accordance with Chapter 17.55 LCMC.** ~~**must be provided in accordance with LCMC 17.52.100. The planning and community development director may make exceptions to the landscaping requirements only when a finding can be made that the exception meets the purpose of the park zone and will not impose a public safety hazard.**~~

SECTION 12. Chapter 17.17 (*Single Family Roads End (R-1-RE) District*), Section 17.17.090 is hereby amended to read as follows:

17.17.090 Off-street parking and loading. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**The regulations of Chapter 17.56 LCMC apply to off-street parking and loading. Driveways shall not have an impervious width of more than 20 feet. Driveways may be gravel.**~~

SECTION 13. *Chapter 17.24 (Professional Campus (PC) Zone),* Section 17.24.080 is hereby amended to read as follows:

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

SECTION 14. Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.090 is hereby amended to read as follows:

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

SECTION 15. Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.100 is hereby amended to read as follows:

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

SECTION 16. Chapter 17.34 (*Nelscott Plan (NP) District*) Section 17.34.120 (*Off-Street parking and circulation*), is hereby amended to read as follows:

17.34.~~120~~ **070** Off-street parking and **loading** ~~circulation.~~

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

~~**A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.**~~

~~**B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:**~~

~~**1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.**~~

~~**2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.**~~

~~**3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.**~~

~~**4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a**~~

~~parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning~~

~~**and community development director, reasonably can be accommodated on the lot.**~~

SECTION 17. Chapter 17.36 (*Planned Industrial (PI) Zone*) Section 17.36.070 (P*arking)*, Section 17.36.070 is hereby amended to read as follows:

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

SECTION 18. Chapter 17.40 (*Recreation-Residential (R-R) Zone*) Section 17.40.060. Paragraph F and Section 17.40.060. Paragraph H are hereby amended to read as follows:

17.40.060.F. Off-Street Parking and Loading. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Two off-street parking spaces shall be provided per single-family dwelling, manufactured home, or recreational vehicle in accordance with the standards set forth in Chapter 17.56 LCMC.**~~

~~**17.40.060.H. Off-street parking of recreational vehicles is subject to LCMC 17.52.050.**~~

SECTION 19. Chapter 17.42 (*Park (P) Zone*) Section 17.42.060. Paragraph A is hereby amended to read as follows:

17.42.060.A. **Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Parking facilities must be provided in accordance with Chapter 17.56 LCMC. The planning and community development director may make exceptions to the requirements set forth in LCMC 17.56.110(D), (F) and (G) only when a finding can be made that the exception meets the purpose of the park zone and will not impose a public safety hazard.**~~

SECTION 20. Chapter 17.43 *(Open Space (OS) Zone*) Section 17.43.050. Paragraph A is hereby amended to read as follows:

17.43.050.A. **Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Parking facilities must be provided in accordance with Chapter 17.56 LCMC except for LCMC 17.56.110(D), (F) and (G).**~~

SECTION 21. Chapter 17.45 *(Taft Vilage Core (TVC) Zone*) Section 17.45.080. (Parking) is hereby amended to read as follows:

17.45.~~**080**~~ **070 Off-street** Parking **and Loading**. **Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:**~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces.~~

SECTION 22. Chapter 17.50 *(Oceanlake Plan (OP) District*) Section 17.50.120 (*Off-Street parking and circulation*) is hereby amended to read as follows:

17.50.~~120~~ 070 Off-street parking and Loading ~~circulation~~. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

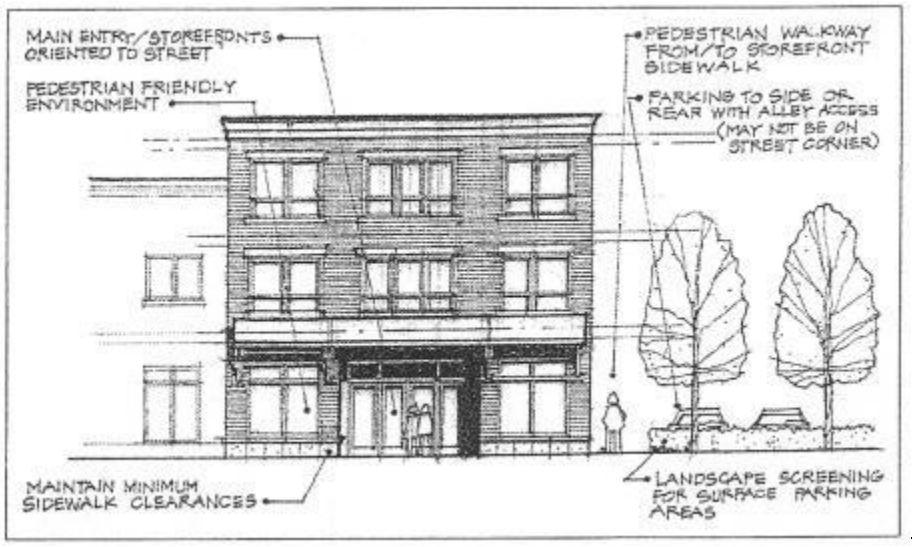
~~A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:~~

~~1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.~~

~~3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-I.)~~



~~Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.~~

~~4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~**5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.**~~

~~**6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.**~~

~~**7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.**~~

~~**8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, access to service areas must be from a street other than Highway 101.**~~

SECTION 23. Chapter 17.80 *(Provisions applying to Special Uses*) Section 17.80.040.B, numbered paragraphs 5 and 7 are hereby amended to read as follows:

17.80.040.B.5.Off-street parking **and loading shall be provided in accordance with Chapter 17.56 LCMC.** ~~**spaces shall be provided and improved in accordance with the requirements of Chapter 17.56 LCMC.**~~

17.80.040.B.7. Except for the driveway accesses for the park, a ~~**decorative**~~ sight-obscuring fence at least five but not more than six feet in height shall be located five feet back from the outer boundary of the recreational vehicle park. The area between the sight-obscuring fence and the recreational vehicle park boundary shall be landscaped**, along with the remainder of the site, in accordance with Chapter 17.55 LCMC.** The fence and landscaping shall be approved by the **applicable review authority.** ~~**planning commission.**~~

SECTION 24. Chapter 17.56 *(Off-street Parking and Loading*) is hereby amended to read as follows:

Chapter 17.56 Off-street Parking and Loading.

17.56.010 Applicability. The requirements of this chapter are applicable for all zoning districts, unless specifically stated otherwise, and shall be adhered to when:

A. A new building is hereafter erected; or

B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the improvement value of the building as shown on the Lincoln County Property Report from the Lincoln County Assessor's Office or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or

C. The occupancy classification of an existing building, or any portion thereof, is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be required.

17.56.020 General standards.

A. The provision and maintenance of off-street parking, bicycle parking, and loading spaces and associated improvements is a continuing obligation of the property owner. The subsequent use of the property shall be conditional upon the unqualified continuance and availability of the amount of off-street parking, bicycle parking, and loading spaces required by this chapter.

B. Any requirement resulting in less than a whole number shall be rounded up to the nearest whole number for the required number of spaces. (Example: 0.75 equals 1 space; 1.25 equals 2 spaces; 1.50 equals 2 spaces; 1.75 equals 2 spaces).

C. Areas needed to meet the off-street parking and loading requirements shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking or loading area is provided at another allowable location.

1. Required parking areas shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only.

2. Required parking and loading spaces and areas may not be used for the parking or storage of equipment, storage of goods or merchandise, displays of goods or merchandise, or any other use other than fulfilling the off-street parking or loading space requirements.

D. Portions of off-street parking areas may be redeveloped for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the off-street parking area continues to meet applicable standards and subject to approval through the applicable procedural review.

17.56.030 Number of off-street parking spaces required.

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

Table 17.56.030-1 Required Off-street Parking Spaces

17.56.030 – 1 Number of spaces required.

The number of off-street parking spaces required shall be set forth in the following schedule:

Use	Requirement
A. Residential:	
1. **Detached** Single-**unit, attached single unit,** and **duplex** ~~**two-family dwelling**~~	
a. ~~**700**~~ **1,000** square feet or less per unit	1 space per dwelling unit
b. **Over 1000** ~~**701 to 1,000**~~ square feet per unit	~~**1.5**~~ **2** spaces per dwelling unit ~~**(round up)**~~
c. ~~**Over 1,000 square feet per unit**~~	~~**2 spaces per dwelling unit**~~
2. Multi~~**ple-family**~~ **unit** dwelling containing three or more dwelling units	1.5 spaces per dwelling unit **for those units with two or more bedrooms and 1 space per dwelling unit for one bedroom or studio units**
3. Rooming or boarding houses; residential hotel	1 space for each accommodation plus 1 additional space per 2 employees
4. Mobile home park	1.5 spaces per dwelling
5. Congregate care facility	1 space per 4 accommodations plus 1 additional space per employee
6. Bed and breakfast accommodation	1 space per accommodation plus the required spaces per dwelling unit
7. Elderly housing units	1 space per dwelling unit plus 1 additional space per employee
B. Commercial-Residential:	
1. Recreational vehicle park	1 space per recreational vehicle space plus 1 additional space per employee
2. Hotel or motel	1 space per guest room or suite plus one additional space for each employee

Use	Requirement
3. Club, lodge	Spaces to meet the combined requirements of the uses conducted, such as hotel, restaurant, auditorium, etc.
C. Institutions:	
1. Welfare or correctional institution, convalescent hospital, nursing home, rest home, sanitarium or similar institution	1 space per 4 beds for residents, patients or inmates plus 1 for each employee
2. Hospital	1 space per 2 beds plus 1 space for each employee
D. Places of public assembly:	
1. Place of worship, auditorium, gymnasium, community center or other place of public assembly	1 space per 4 seats or 8 feet of bench length in the main auditorium or, if no permanent seats are provided, 1 space per 80 square feet of floor area of the main auditorium
2. Library, reading room, museum, art gallery	1 space per 400 square feet plus 1 space for each employee
3. Preschool nursery, day nursery or kindergarten	1 space per teacher, adult supervisor or employee
4. Elementary or junior high school and equivalent private or parochial school	1 space per classroom and special instruction area or the requirement for a place of public assembly, whichever is the greater, plus 1 space per nonteaching and administrative employee
5. High school	8 spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is the greater
6. College, university, institution of higher learning and equivalent parochial school	1 space for each 5 seats in total number of classrooms
E. Commercial amusement:	
1. Amusement park	1 space for 1,000 sq. ft. of patron serving area, plus 1 space for each employee
2. Billiard and pool halls	1 space for each table plus 1 space for each employee
3. Bowling alley	5 spaces for each alley plus 1 space for each employee

Use	Requirement
4. Dance hall	1 space for each 50 sq. ft. of patron area, plus 1 space for each employee
5. Golf course (9- and 18-hole)	5 spaces per hole, plus 1 space per employee at maximum shift plus 75 percent of the spaces otherwise required for any accessory uses (e.g., bar, restaurant, etc.)
6. Golf driving range	1 space for each 10 linear feet of driving line
7. Miniature golf	1-1/2 spaces per hole
8. Indoor arena or theater	1 space for each 4 seats or 8 feet of bench length
9. Moorage (boat)	1 space for each 2-boat berth plus 1 space for each employee
10. Skating rink	1 space for each 50 sq. ft. of floor or rink area plus 1 space for each employee
11. Stadium	1 space for each 8 seats or 16 feet of bench length
12. Swimming pool	1 space for each 100 sq. ft. of pool area plus 1 space for each employee
13. Tennis and racquet court	4 spaces for each court
F. Commercial:	
1. Store, supermarket, and department store	1 space for each 400 sq. ft. of gross floor area plus 1 space for each employee
2. Retail store handling bulky merchandise such as automobiles, furniture and large appliances	1 space for each 600 sq. ft. of gross floor area plus 1 space for each employee
3. Service or repair shop	1 space per 800 sq. ft. of gross floor area plus 1 space for each employee
4. Bank or office (except medical and dental)	1 space for each 400 sq. ft. of floor area plus 1 space for each employee
5. Medical and dental clinic	1 space per 200 sq. ft. of floor area plus 1 space for each employee
6. Restaurant, tavern or bar	1 space for each 3 seats provided for customers plus 1 space for each employee

Use	Requirement
7. Mortuary	1 space for each 4 chapel seats plus 1 space for each employee
G. Industrial:	
1. Manufacturing uses	1 space for each 2 employees on maximum shift
2. Storage warehouse, trucking freight terminals	1 space for each 5,000 sq. ft. for first 20,000 sq. ft. plus 1 additional space for each 50,000 sq. ft.
3. Wholesale establishment	1 space per employee plus 1 space per 700 sq. ft. of patron serving area

B. Exceptions to the number of off-street parking spaces required. One or more exception may apply to a development.

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

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

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

C. Uses not listed in Table 17.56.030-1. Uses not specifically listed in Table 17.56.030-1 shall furnish off-street parking as required by the director. In determining the off-street parking requirements for unlisted uses, the director shall use Table 17.56.050-1 as a general guide, and shall determine the minimum number of off-street parking spaces required to avoid undue interference with the use of public right-of-way.

17.56.040 Number of off-street loading spaces required.

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

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

17.56.050 Joint use of off-street parking and loading spaces.

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

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

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

A. Where more than one use is included within any building or structure, or on any single parcel, lot or development, the off-street parking and loading requirements shall be the sum total of the requirements of the various uses.

B. In instances where the operations of the different uses are such that the hours of operation or uses complement each other insofar as the off-street parking or loading demand is concerned, a reduction in these requirements may be authorized as part of the applicable procedural review.

17.56.070 Development and Maintenance Standards for Off-street Parking for detached single-unit dwellings, attached single-unit dwellings, and duplexes.

A. Location.

1. Off-street parking areas shall be located on the same lot or parcel as the detached single-unit dwelling, attached single-unit dwelling, or duplex.

2. Boats, trailers, recreational vehicles, campers, and house trailers shall not be allowed within the required front setback area.

B. Parking Space Sizes and Driveway Approaches.

1. Standard spaces are sized at 9 feet wide by 20 feet long.

2. Compact spaces are sized at 8 feet wide by 16 feet long. Up to 50 percent of the required number of off-street parking spaces may be sized as compact spaces.

3. The number, placement, width, and spacing of driveway approaches shall be determined by the city engineer.

C. Surfacing.

1. Materials. Driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste collection vehicles and firefighting apparatus. Surfaces shall consist of one or more of the following materials:

a. Concrete or asphalt;

b. Block pavers of concrete, stone, brick, or similar material;

i. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface.

c. Pervious concrete or asphalt; or

d. Other materials, as approved by the city engineer.

2. Maximum Impervious Surface for Driveways, Parking Spaces, and Parking Areas.

a. The maximum total combined impervious surface width for all driveways, parking spaces, and parking areas on the site shall be one-half foot in width per one lineal foot of street frontage, regardless of the number of individual driveways, parking spaces, or parking areas on the site. Additionally, the following shall apply:

i. The minimum width of a driveway, parking space, or parking area shall be 9 feet, regardless of the type of surface.

ii. The maximum impervious surface width per individual driveway, parking space, or parking area shall be 36 feet, regardless of the amount of street frontage.

iii. In instances where the lot or parcel has less than 50 lineal feet of street frontage, the maximum width of impervious surface for a driveway, parking space, or parking area shall be 25 feet.

iv. Lots or parcels having more than one street frontage shall only count the lineal street frontage of one frontage, using the longest street frontage for the calculation.

D. Installation and Maintenance.

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

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

17.56.080 Development Standards for Off-street Parking and Loading Areas for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes.

A. Location.

1. Off-street parking and loading areas shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.
    a. The burden of arranging for such off-premises parking or loading rests upon the person who has the responsibility of providing off-street parking and loading.
    b. Proof of such off-premises parking arrangements shall be provided. Acceptable forms of proof include deeds, leases, or contracts for such arrangement.
2. Area in a public right-of-way or an alley shall not be eligible as fulfilling any part of the off-street parking or loading requirements.
3. Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.
4. Parking and loading spaces must be outside of required building setback areas.
5. Parking and loading spaces must be at least 10 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.
6. In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.
7. Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed however.

B. Surfacing.

1. Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.

2. Surfaces shall consist of one or more of the following materials:

a. Concrete or asphalt;

b. Block pavers of concrete, stone, brick, or similar material;

i. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface.

c. Pervious concrete or asphalt; or

d. Other materials, as approved by the city engineer.

C. Redevelopment. Site design shall incorporate the conversion of existing parking areas located in front of buildings to pedestrian spaces as properties redevelop.

D. Installation and Maintenance.

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

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

E. Maximum Impervious Surface.

1. All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.

a. Except that, since commercial uses and buildings in the business districts do not have an off-street parking space requirement, if off-street parking is provided anyway as part of the development, the number of spaces provided in excess of what would have been required for the same use if it wasn't located in a business district, shall be surfaced with pervious materials as approved by the city engineer.

F. Curbing and Wheel Stops.

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

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

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

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

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

H. Landscaping.

1. In all instances except the following when occurring on individual lots - detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes - and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas shall include landscaping to cover not less than ten percent of the area devoted to parking spaces and areas, which area is computed as a part of the required landscaping of the total gross area pursuant to Chapter 17.55 LCMC.

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

I. Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a 6-foot-tall, sight-obscuring fence on each side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.

J. Lighting of Parking Areas.

1. If provided, light poles in parking areas shall not exceed a height of 20 feet.

2. Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially-used properties.

3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with 0 foot-candles at property lines.

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

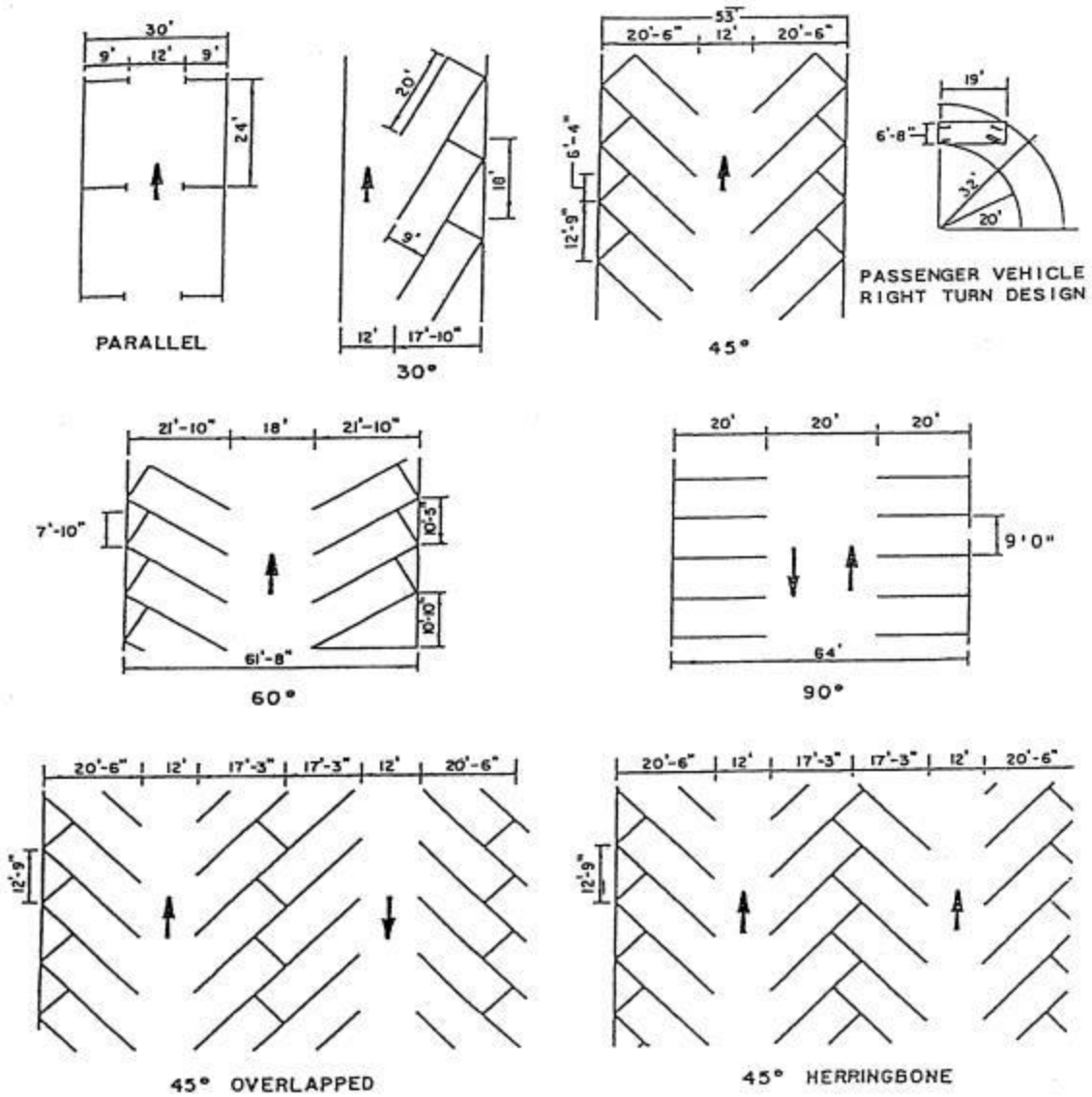
L. Parking Area Layout and Dimensions.

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

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

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

4. Parking areas shall be designed as follows:



M. Parking rows.

1. Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.

a. Islands must be at least 5 feet wide, with a minimum area of 190 square feet in a double-loaded parking row or 95 square feet in a single-loaded parking row.

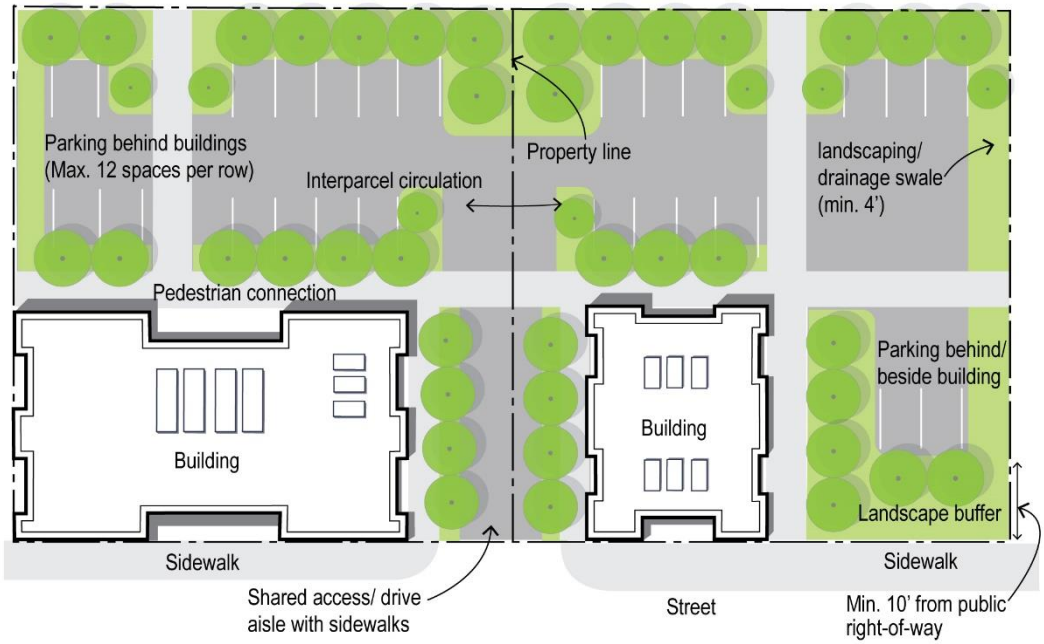
b. Islands must be provided with protective curbing to prevent vehicles driving directly into the island.

c. Islands count towards the interior parking lot landscaping requirement of subsection 17.56.080.I.1.

d. Islands must be landscaped pursuant to the provisions of Chapter 17.55 LCMC.

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

Figure 17.56.080-1



N. RV, Motorhome, and Bus Parking. Developments with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:

Number Required	Total Parking Spaces
1	50 – 75
2	76 – 100
3	101 – 200

Number Required	Total Parking Spaces
	One RV, motorhome, bus space for each additional 100 spaces or a fraction thereof.

Each RV/motorhome/bus space shall be not less than 10 feet wide and 30 feet long.

O. Structured parking.

1. Where structured parking is provided in a stand-alone structure that doesn't contain any uses other than parking, the structure must be set back from public right-of-way a minimum of 10 feet. The 10-foot setback area shall be landscaped subject to the provisions of Chapter 17.55 LCMC.

17.56.090 Bicycle parking

A. Number of bicycle parking spaces required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.
B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.
C. Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, or clearly visible from the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.
D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.
E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles.

~~Chapter 17.56~~
~~OFF-STREET PARKING AND LOADING REGULATIONS~~

~~17.56.010 Generally.~~
~~No building, development, conditional use or other permit shall be issued until evidence and plans are presented in accordance with these provisions to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for the exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the~~

~~unqualified continuance and availability of the amount of parking and loading space required by this section. (Ord. 92-8 § 13; Ord. 84-2 § 5.010)~~

~~17.56.020 Off-street parking plan.~~

~~A plan, drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include, but not be limited to:~~

~~A. Delineation of individual parking spaces, including disabled person parking spaces;~~

~~B. Circulation area necessary to serve spaces;~~

~~C. Access to streets, alleys and properties to be served;~~

~~D. Curb cuts;~~

~~E. Type of landscaping, fencing or other screening materials;~~

~~F. Grading, drainage, surfacing and subgrading details;~~

~~G. Delineations of all structures or other obstacles to parking and circulation on the site;~~

~~H. Specifications as to signs and wheel stops;~~

~~I. Loading areas and docks;~~

~~J. Location and type of lighting fixtures;~~

~~K. Location of planter bays where required;~~

~~L. Proposed number of employees and amount of floor area space applicable to the parking requirements of the proposed use. (Ord. 92-8 § 13; Ord. 84-2 § 5.020)~~

~~17.56.030 Off-street loading.~~

~~Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be not less than 10 feet wide, 25 feet in length and 14 feet in height. (Ord. 92-8 § 13; Ord. 84-2 § 5.030)~~

17.56.040 Off-street parking.

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time:

A. A new building is hereafter erected;

B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the market value of the building as shown on the county assessor's records or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or

C. The use of an existing building is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be required;

D. Any use requiring one-half or more of a parking space shall be deemed to require the full space;

E. Parking spaces provided to meet the requirements of this section shall not be reduced in size or number to an amount less than required by this section for the use occupying the building. The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

F. When additional parking or loading area is required, or added to an existing, nonconforming parking or loading area, the entire parking and loading area shall be improved as provided in LCMC 17.56.010, and landscaped pursuant to LCMC 17.52.100. (Ord. 92-8 § 13; Ord. 84-2 § 5.040)

17.56.050 Number of spaces required.

The number of off-street parking spaces required shall be set forth in the following schedule:

Use	Requirement
A. Residential:	
1. Single- and two-family dwelling	-
a. 700 square feet or less per unit	**1 space per dwelling unit**
b. 701 to 1,000 square feet per unit	**1.5 spaces per dwelling unit (round up)**

Use	Requirement
c. Over 1,000 square feet per unit	2 spaces per dwelling unit
2. Multiple-family dwelling containing three or more dwelling units	1.5 spaces per dwelling unit
3. Rooming or boarding houses; residential hotel	1 space for each accommodation plus 1 additional space per 2 employees
4. Mobile home park	1.5 spaces per dwelling
5. Congregate care facility	1 space per 4 accommodations plus 1 additional space per employee
6. Bed and breakfast accommodation	1 space per accommodation plus the required spaces per dwelling unit
7. Elderly housing units	1 space per dwelling unit plus 1 additional space per employee
B. Commercial-Residential:	
1. Recreational vehicle park	1 space per recreational vehicle space plus 1 additional space per employee
2. Hotel or motel	1 space per guest room or suite plus one additional space for each employee
3. Club, lodge	Spaces to meet the combined requirements of the uses conducted, such as hotel, restaurant, auditorium, etc.
C. Institutions:	
1. Welfare or correctional institution, convalescent hospital, nursing home, rest home, sanitarium or similar institution	1 space per 4 beds for residents, patients or inmates plus 1 for each employee
2. Hospital	1 space per 2 beds plus 1 space for each employee
D. Places of public assembly:	
1. Place of worship, auditorium, gymnasium, community center or other place of public assembly	1 space per 4 seats or 8 feet of bench length in the main auditorium or, if no permanent seats are provided, 1 space per 80 square feet of floor area of the main auditorium

Use	Requirement
2. Library, reading room, museum, art gallery	1 space per 400 square feet plus 1 space for each employee
3. Preschool nursery, day nursery or kindergarten	1 space per teacher, adult supervisor or employee
4. Elementary or junior high school and equivalent private or parochial school	1 space per classroom and special instruction area or the requirement for a place of public assembly, whichever is the greater, plus 1 space per nonteaching and administrative employee
5. High school	8 spaces per classroom and special instruction area, or the requirement for a place of public assembly, whichever is the greater
6. College, university, institution of higher learning and equivalent parochial school	1 space for each 5 seats in total number of classrooms
E. Commercial amusement:	
1. Amusement park	1 space for 1,000 sq. ft. of patron serving area, plus 1 space for each employee
2. Billiard and pool halls	1 space for each table plus 1 space for each employee
3. Bowling alley	5 spaces for each alley plus 1 space for each employee
4. Dance hall	1 space for each 50 sq. ft. of patron area, plus 1 space for each employee
5. Golf course (9- and 18-hole)	5 spaces per hole, plus 1 space per employee at maximum shift plus 75 percent of the spaces otherwise required for any accessory uses (e.g., bar, restaurant, etc.)
6. Golf driving range	1 space for each 10 linear feet of driving line
7. Miniature golf	1-1/2 spaces per hole
8. Indoor arena or theater	1 space for each 4 seats or 8 feet of bench length
9. Moorage (boat)	1 space for each 2-boat berth plus 1 space for each employee

Use	Requirement
10. Skating rink	1 space for each 50 sq. ft. of floor or rink area plus 1 space for each employee
11. Stadium	1 space for each 8 seats or 16 feet of bench length
12. Swimming pool	1 space for each 100 sq. ft. of pool area plus 1 space for each employee
13. Tennis and racquet court	4 spaces for each court
F. Commercial:	
1. Store, supermarket, and department store	1 space for each 400 sq. ft. of gross floor area plus 1 space for each employee
2. Retail store handling bulky merchandise such as automobiles, furniture and large appliances	1 space for each 600 sq. ft. of gross floor area plus 1 space for each employee
3. Service or repair shop	1 space per 800 sq. ft. of gross floor area plus 1 space for each employee
4. Bank or office (except medical and dental)	1 space for each 400 sq. ft. of floor area plus 1 space for each employee
5. Medical and dental clinic	1 space per 200 sq. ft. of floor area plus 1 space for each employee
6. Restaurant, tavern or bar	1 space for each 3 seats provided for customers plus 1 space for each employee
7. Mortuary	1 space for each 4 chapel seats plus 1 space for each employee
G. Industrial:	
1. Manufacturing uses	1 space for each 2 employees on maximum shift
2. Storage warehouse, trucking freight terminals	1 space for each 5,000 sq. ft. for first 20,000 sq. ft. plus 1 additional space for each 50,000 sq. ft.
3. Wholesale establishment	1 space per employee plus 1 space per 700 sq. ft. of patron serving area

H. Other uses not specifically listed above shall furnish parking as required by the planning director. In determining the off-street parking requirements for said uses, the planning director shall use the above requirements as a general guide, and shall determine the minimum number of parking spaces required to avoid undue interference with the public use of streets and alleys.

~~I. If the planning director finds that a portion of the floor area, not less than 100 contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, the director may deduct such space in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this section.~~

~~J. Reductions in Parking Requirements. An applicant may ask the community development director to reduce the minimum required vehicle parking standards in this section by one space for every five bicycle parking spaces on the site. The director may allow a maximum reduction of up to 10 percent of the required vehicle parking spaces. (Ord. 2019-03 § 1; Ord. 2016-21 § 13; Ord. 2012-06 § 11; Ord. 2001-01 § 2; Ord. 93-1 § 1; Ord. 92-8 § 13; Ord. 84-2 § 5.050)~~

~~17.56.060 Joint use of facilities.~~

~~The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use. (Ord. 92-8 § 13; Ord. 84-2 § 5.060)~~

~~17.56.070 More than one use.~~

~~Where more than one use is included within any building or on any single parcel, the parking requirements shall be the sum total of the requirements of the various uses; provided however, where the operations of these different uses is such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning director may authorize a reduction in these requirements. (Ord. 92-8 § 13; Ord. 84-2 § 5.070)~~

~~17.56.080 Use of parking facilities.~~

~~A. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking area is provided at another location. Such required parking shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in the conduct of the business or use.~~

~~B. Property owners may redevelop portions of off-street parking areas for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the parking area continues to meet applicable standards and subject to the approval of the planning and community development director. (Ord. 2016-21 § 14; Ord. 92-8 § 13; Ord. 84-2 § 5.080)~~

~~17.56.090 Location of parking facilities.~~

~~Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not further than 200 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of providing the existence of such off-premises parking arrangement rests upon the person who has the responsibility of providing parking, by evidence in the form of deeds, leases or contracts for such off-premises parking arrangement. Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements. (Ord. 92-8 § 13; Ord. 84-2 § 5.090)~~

~~17.56.100 Parking – Front yard.~~

~~Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of one- or two-family dwellings, but such space may be located within a required side or rear yard. (Ord. 92-8 § 13; Ord. 84-2 § 5.100)~~

~~17.56.110 Development and maintenance standards for off-street parking areas.~~

~~A. Access. Except for single-family and two-family dwellings, groups of more than two parking spaces shall:~~

~~1. Be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley. If served by an existing dedicated alley for egress or ingress or as a backup space, then the alley shall be improved to city standards for permanent alley construction; and~~

~~2. Except as provided in LCMC 17.20.100 (E)(1), be served by a driveway that is, or driveways that are, improved from a public roadway to the parking area to a minimum width of 20 feet for two-way driveways and 10 feet for one-way driveways.~~

~~B. Screening. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting on each side which adjoins property situated in residential zones or the premises of any school.~~

~~C. Lighting. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in residential zones.~~

~~D. Surfacing.~~

~~1. Materials. Areas used for standing and maneuvering of vehicles shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste~~

~~vehicles and firefighting apparatus. Surfaces shall consist of one or more of the following materials:~~

~~a. Impervious asphaltic or portland cement;~~

~~b. Permanent, dust-free surfaces of:~~

~~i. Block pavers of concrete, stone, brick, or similar material;~~

~~ii. Grid pavers of concrete, stone, brick, or similar material;~~

~~iii. Plastic grid pavers;~~

~~iv. Pervious asphalt;~~

~~v. Pervious concrete;~~

~~c. Crushed rock surfaces, if maintained according to the standards required in this subsection, may be used in areas for storage, display, loading and maneuvering of vehicles associated with large, low-intensity industrial or commercial uses (warehousing and distribution, manufactured dwellings or recreational vehicle sales, lumber yards, etc.), as determined by the planning director;~~

~~d. Other materials, as approved by the city engineer.~~

~~2. Installation and Maintenance.~~

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

~~b. All pervious surfaces shall be designed, installed, and maintained to ensure proper stormwater infiltration.~~

~~3. Maximum Impervious Surface.~~

~~a. Single-Family Dwellings and Duplexes. Driveways/parking areas shall be limited to a 20-foot width of impervious surface. Additional driveway width, if any, shall consist of pervious surfaces, as listed in subsection (D)(1)(b) of this section.~~

~~b. All Development Other Than Single-Family Dwellings and Duplexes. All parking spaces in excess of the minimum required amount shall be surfaced with pervious materials, as listed in subsection (D)(1)(b) of this section.~~

~~c. Exemptions. The restrictions in this subsection shall not be applied to the following:~~

~~i. Recorded, legal, access easements.~~

~~ii. Flag lot access ways (i.e., the "flagpole") for a width of up to 18 feet.~~

~~E. Vision Clearance. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line adjoining the lines through points 20 feet from their intersection.~~

~~F. Curbing and Wheel Stops. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, or a street or sidewalk. Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, and landscaping, and no vehicle shall overhang a public right-of-way. Those parking spaces having wheel stops or curbs may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space.~~

~~G. Marking. All spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, to remain visible.~~

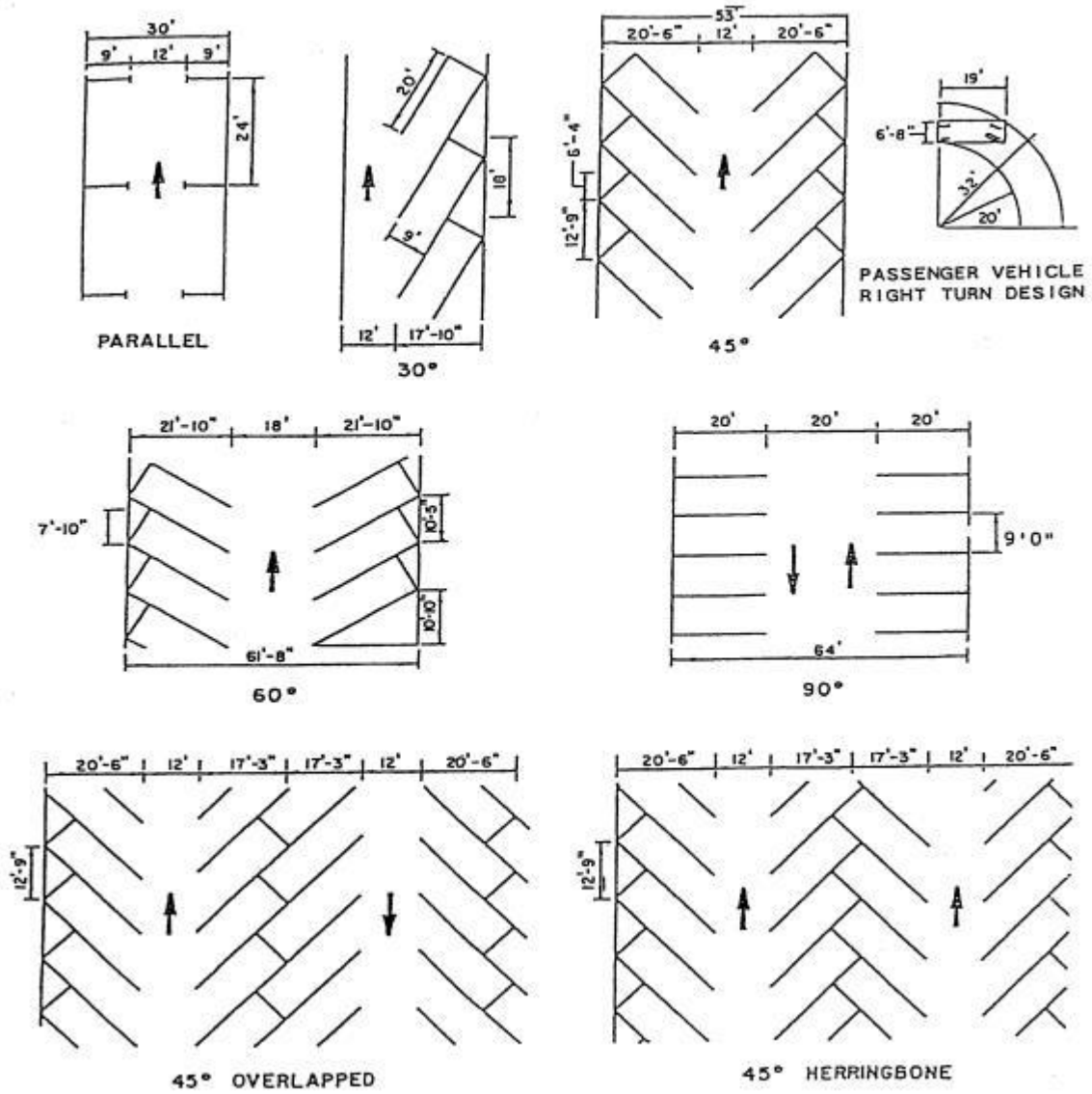
~~H. Landscaping. In all zones except single-family residential, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, which area is computed as a part of the required landscaping of the total lot area pursuant to LCMC 17.52.100.~~

~~I. Compact Car Parking. A maximum of 50 percent of the total required parking may be improved and designated for compact car parking spaces. The minimum dimensions for a compact car space are eight feet by 16 feet.~~

~~J. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of the State Building Code.~~

~~K. Parking Layout and Design Criteria.~~

~~**1. All required parking areas for standard sized vehicle stalls shall be designed with a minimum stall width of nine feet and length of 20 feet in accordance with the following parking layout chart.**~~



~~**2. For compact vehicle stalls, the stall width and length may be reduced to eight feet and 16 feet, respectively.**~~

~~**L. RV, Motorhome and Bus Parking. For each commercial site with 50 or more required off-street parking spaces, the following minimum number of off-street parking spaces shall be sized and so designated for motorhomes, RVs and buses:**~~

Number Required	Total Parking Spaces
1	50 – 75
2	76 – 100
3	101 – 200
One RV, motorhome, bus space for each additional 100 spaces or a fraction thereof.	

Each space shall be not less than 10 feet wide and 30 feet in length. (Ord. 2012-06 §§ 12, 13; Ord. 2010-6 § 11; Ord. 98-11 § 3; Ord. 97-6 § 1; Ord. 92-8 § 13; Ord. 84-2 § 5.110)

17.56.120 Bicycle parking.

Projects requiring site plan review shall provide at a minimum bicycle parking consistent with the following standards:

A. Location. All bicycle parking shall be within a well-lighted area within 100 feet or clearly visible from the primary building entrance. Where necessary, a sign shall direct users to the parking facility.

B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking facility to the building entrance.

C. Number of Bicycle Parking Spaces Required. New uses requiring new or additional vehicle parking improvements shall include one bicycle parking space, as defined in subsection (D) of this section, for every 20 vehicle parking spaces required in LCMC 17.56.050.

D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.

E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit securing of the frame and both wheels, but not necessarily without removal of the front wheel. (Ord. 2016-21 § 15)

SECTION 25. A new Chapter 17.55 (Landscaping Standards) is hereby added to read as follows:

Chapter 17.55 Landscaping Standards

17.55.010 Purpose.

A. The goals of landscaping are to increase aesthetic value; provide environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle; provide an attractive natural balance to built areas; reduce runoff; screen or buffer uses; and to frame or complement views. The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping that will satisfy the aforementioned goals. The chapter also seeks to provide for selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a healthier, drought-tolerant, disease-resistant plant inventory.

17.55.020 Applicability. The standards of this chapter shall apply to:

1. All Type II and Type III procedures.

2. New construction.

3. Previously developed sites whenever improved by 50 percent or more of the assessed value of the existing improvements.

17.55.030 Landscaping requirements for Detached Single-unit Dwellings, Attached single-unit dwellings, Manufactured Dwellings, and Duplexes.

A. Maximum Impervious Surface. Maximum coverage of an individual lot or parcel in impervious surfaces shall be limited to a percentage of the gross area of the lot or parcel, according to zone, as listed in Table 17.55.030-1.**

Table 17.55.030-1

R-1	R-1-RE	V-R	R-M	NCR	R-R	OPD I-M	OPD OF	NBMU	NBD
55%	55%	55%	55%	55%	65%	75%	80%	90%	90%

****55% for any zone not listed in Table 17.55.030-1**

Exemptions and adjustments:

a. Flag lot access ways (i.e., the "flagpole") shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

b. Recorded, legal access easements shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

c. Eco-roofs, installed or inspected and approved by a certified professional, shall not be counted as part of the impervious surface area on the site. They shall also be deducted from the gross square footage of the site when determining the allowable percentage.

d. For example, a lot in the R-1-RE zone is 5,000 square feet. It contains a 1,000-square foot flagpole/recorded, legal access easement/eco-roof. 5,000 less 1,000 equals 4,000. 55% of 4,000 equals 2,200; therefore, no more than 2,200 square feet of the site can be impervious, but the 1,000-square-foot area of the flagpole/recorded, legal access easement/eco-roof does not count against the 2,200 square feet of allowed impervious area.

e. For existing lots between 3,000 square feet and 4,000 square feet, maximum impervious surfaces shall be an additional five percent above the limit listed in the table above.

f. For existing lots less than 3,000 square feet, maximum impervious surfaces is an additional 15 percent above the limit listed in the table above or 100 percent, whichever is less.

B. Landscaping requirements. Landscaping is required on all disturbed portions of the site not covered by buildings, structures, or impervious surfaces. Existing plants and trees that are healthy and non-invasive count towards the minimum requirements listed below, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain the following spaced and/or grouped according to best planting practices and aesthetics:

a. One tree per 150 feet of total lot perimeter; and

b. One shrub per 30 feet of total lot perimeter; and

c. Sufficient number of living ground cover plants spaced to cover 10 percent of the gross area of the site within 3 years of planting.

C. Ground cover and mulch.

1. Mulch between plantings shall be at least a two-to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.

2. Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.

3. Non-living ground cover materials such as non-compacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.

4. Standards for living ground cover are those set out in subsection 17.55.050.

17.55.040. Landscaping requirements for all development Other Than Detached Single-unit Dwellings, Attached single-unit dwellings, Manufactured Dwellings, and Duplexes.

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

B. 15 percent of the total gross area of the site shall be landscaped with live vegetation according to the standards contained within this chapter. Existing plants and trees that are healthy and non-invasive count towards the 15 percent live vegetation requirement, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain three distinct and separate landscape areas, containing an overall total of the following spaced and/or grouped according to best planting practices and aesthetics:

a. One tree per 20 feet of total lot perimeter; and

b. One shrub per 10 feet of total lot perimeter; and

c. Living ground cover.

2. If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or non-living ground cover, subject to the standards set out in subsection 17.55.040.C and 17.55.050. Islands count towards both the parking landscaping requirement and the 15-percent landscaping requirement.

C. Ground cover and mulch.

1. Ground cover used as mulch between plantings shall be placed at a minimum two-to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.

2. Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.

3. Non-living ground cover materials such as non-compacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.

4. Standards for living ground cover are those set out in subsection 17.55.050.

17.55.050. Selection, Preparation, and Installation for all Landscaping

A. Selection of materials.

1. Invasive and noxious plants as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture are prohibited.

2. Hydro-seeding is prohibited.

3. All selections must be healthy and disease-free at the time of planting.

4. Sizes of plantings.

a. Deciduous trees must be a minimum of 1.5 caliper inches at the time of planting.

b. Conifer trees must be a minimum of 5 feet in height at the time of planting.

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

d. Shrubs must be at least three-gallon size at the time of planting, unless three-gallon sizes are not available for purchase at the time of planting for the particular shrub selected. In those instances, one- or two-gallon size is allowed.

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

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

B. Preparation.

1. All newly-landscaped areas must be cleared of invasive and noxious plants as defined in LCMC 8.12.010 and by the Oregon Department of Agriculture prior to installation of new landscaping.

2. All newly-landscaped areas must be cleared of dead, dying, or diseased vegetation prior to installation of new landscaping.

C. Installation.

1. Plant materials must be installed to current nursery industry standards.

2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

3. All landscaping shall be installed prior to issuance of a certificate of occupancy or, in

a. Agreement to Delay Installation. If all landscaping has not been satisfactorily completed prior to requesting issuance of a certificate of occupancy the director determines that a delay in completion of the landscaping is appropriate because there has not been a reasonable amount of time for the completion of the landscaping or for other reasons, then the director may require, as a condition of such issuance or use, a landscaping agreement signed by the owner, in a form satisfactory to the director. A landscaping agreement shall:

i. Identify all landscaping to be completed and establish a time period, not to exceed 120 days, within which the owner shall complete the landscaping;
ii. If the identified landscaping is not completed within the established time period, then this shall be considered a Class B violation with a fine of up to $1,000 per day for each day the identified landscaping remains incomplete.

17.55.060 Irrigation and Maintenance.

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

B. Continuous maintenance of property includes, but is not limited to, weeding, pruning, removing and eradicating invasive and noxious plants, removing diseased or dead vegetation and replacing with healthy specimens, and removing litter, trash, and debris. Failure to maintain property in accordance with this chapter shall be considered a Class B violation.

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

17.55.080 Living landscaping as screening.

A. When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:

1. Screening shall be in the form of a hedge.

2. The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the State of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.

3. Selected shrubs must have a mature height of at least 6 feet.

4. Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of 6 feet in height, at the time of planting.

SECTION 26. Chapter 17.52 (*Supplemental Regulations and Exceptions*), Secton 17.52.170 (*Trash receptacle enclosures*) is hereby amended to read as follows:

17.52.170 **Solid waste, garbage, ~~T~~t**rash**, recycling, and composting** receptacle **~~enclosures~~ storage areas**.

~~In an R-M, PC, RC, GC and PI zone, a~~All **solid waste, garbage,** trash**, recycling, and composting** receptacles shall be located within a building or within an enclosure **that is at least 20 feet or more from any pedestrian space** which screens the receptacle from the view of neighboring property**, pedestrian space,** or from **~~a public~~** right-of-way,

except those ~~**trash**~~ receptacles ~~**accessory to a**~~ **associated with a detached** single-**unit** ~~**family**~~ dwelling**, attached single-unit dwelling, duplex, or manufactured dwelling**.

SECTION 27. Chapter 17.52 (*Supplemental Regulations and Exceptions*), Secton 17.52.180 (*Screening of Mechanical equipment*) is hereby amended to read as follows:

17.52.180 **Placement and** Screening of mechanical equipment.

A. Any heating, air conditioning, or other ~~**special**~~ mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent properties, **pedestrian space**s, and from public **right-of-way, and shall not be located within 20 feet of pedestrian space.** ~~**streets**~~

B. Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.

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

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.

SECTION 28. Chapter 17.80 (*Provisions applying to special uses*), Secton 17.80.060. Paragraph F. is hereby amended to read as follows:

17.80.060.F. Bed and breakfast accommodations shall provide off-street parking spaces as required in Table 17.56.030-1 in Chapter 17.56 LCMC.

SECTION 29. Chapter 17.32 (General Commercial (GC) Zone, Section 17.32.110. Paragraph B, is hereby amended to read as follows:

17.32.110.B. Outdoor Storage Areas. All outdoor storage areas shall be screened from ground level view from adjacent properties and from **rights-of-way.** ~~**public streets**~~.

SECTION 30. Chapter 17.42 (Park (P) Zone), Section 17.42.060. Paragraph D, is hereby amended to read as follows:

17.42.060.D. Out~~side~~**door** Storage **Areas**. **All outdoor** ~~Outside~~ storage areas ~~**must**~~ **shall** be screened from ground level view from adjacent properties and from **rights-of-way. ~~public streets.~~**

SECTION 31. Chapter 17.52(Supplemental Regulations and Exceptions) Section 17.52.050. (Storage in front yard) is hereby deleted as follows:

~~17.52.050 Storage in front yard~~

~~Boats and trailers and house trailers shall not be stored in a required front yard.~~

SECTION 32. Chapter 17.34 (*Nelscott Plan District*), Sections 17.34.120 through 17.34.140 are hereby deleted as follows:

~~17.34.120 Off-street parking and circulation.~~
~~A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.~~

~~B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.~~

~~3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the~~

~~municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.~~

~~4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of~~

~~bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))~~

~~17.34.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards.~~

~~17.34.140 Landscaping.~~

~~A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two inch caliper at time of planting.~~

~~g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least a three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

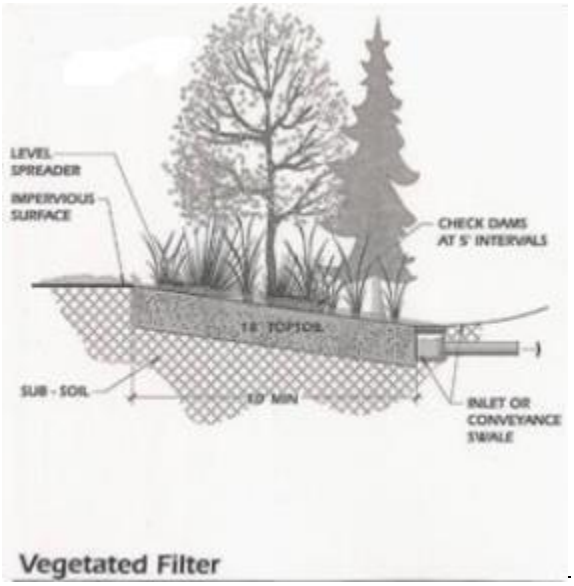
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

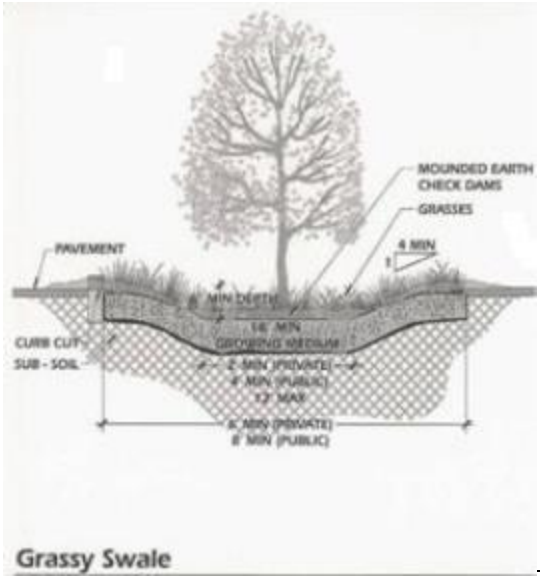
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)~~



Vegetated Filter



SECTION 33 Findings. 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 34. Severability. The sections, subsections, paragraphhs 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 35. Savings. Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 36. Measure 49 Reservation. Notwithstanding the amendments to this Title, the Lincoln City Municipal Code , Title 17, as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49.

SECTION 37. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 38. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or

re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 33-38) 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 13th Day of July, 2020 (First Reading) and on the 27th day of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of July, 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

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(s) (amendments) 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 city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore the amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do 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 amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves 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 amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves 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, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendments do not relate to recreation as that term is used in this goal and do not adversely affect the provision of or ability to site recreational areas in the City. The amendments are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendments do 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 amendments do 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 amendments do 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 amendments do not relate directly to urbanization. Goal 14 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 amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments, therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

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

The amendments do not relate directly to urbanization. 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 amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

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

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(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 amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

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

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. 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."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-14 Signs 17.72 - Continuance to August 10 2020

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council continue Second Reading to August 10, 2020.

Staff Recommendation:

Staff recommends Council continue Second Reading to August 10, 2020.

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:

The interim planning director and city attorney recommend continuance of the proposed ordinance to August 10, 2020.

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

Council Options:

1. Continue to August 10, 2020.
2. Conduct and Approve Second Reading and Adopt the Ordinance.
3. Do not proceed with proposed ordinance.

Potential Motions:

Council:

1. Motion to continue Second Reading to August 10, 2020. [or]
2. Conduct and approve Second Reading and adopt Ordinance 2020-14.

Council Communication

Ordinance 2020-15 Procedures - Continuance to August 10 2020

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council continue Second Reading of Ordinance 2020-15 to August 10, 2020?

Staff Recommendation:

Staff recommends Council continue Second Reading to August 10, 2020.

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:

The City Council completed and approved First Reading on July 13, 2020. The interim planning director and city attorney recommend continuance of Second Reading to August 10, 2020.

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY

MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Council Options:

1. Continuance to August 10, 2020.
2. Conduct and Approve Second Reading and Adopt the Ordinance.
3. Do not proceed with proposed ordinance.

Potential Motions:

1. Motion to continue Second Reading to August 10, 2020.

[or]

2. [City Attorney conducts Second Reading and] Motion to approve second reading and adopt the ordinance.

Council Communication

Ordinance 2020-17 Definitions Second Reading

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve Second Reading and adopt Ordinance 2020-17 entitled:

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Staff Recommendation:

Staff recommends Council 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:

Council completed and approved First Reading on July 13, 2020.

Council directed that all definitions in the pending ordinances be combined to avoid duplication or inconsistency. All proposed amendments were within the other ordinances processed through the Planning Commission with proper notice to DLCD and residents.

Council Options:

1. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Continue Second Reading to August 10, 2020 [or]

3. Do not proceed with proposed ordinance.

Potential Motions:

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-17.

   [or]

2. Motion to set Second Reading for August 10, 2020.

Attachments:
Ordinance 2020-17 946pm (DOCX)

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, AND 2020-14

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the definitional 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".

WHEREAS, the proposed definitional amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of several proposed ordinance amendment(s) (three of which contained definitional changes) and on

February 26, 2020; notice of such definitional changes, included in the numerous ordinances was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission held a public hearing and considered the definitional amendments contained within the numerous ordinances. As part of the consideration of the other ordinances, listed noted above, the Planning Commission voted to recommend approval of the amendments contained herein to the City Council; and

WHEREAS, the City Council held a public hearing on June 22, 2020 on the defintional amendments included in this ordinance. On June 22, 2020 Council closed the record and deliberated on the proposed amendments and directed that all definitions be placed in one separate ordinance to avoid duplication and inconsistency. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. 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 signage 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.

"Accessory use" means a use or activity which is subordinate and clearly incidental to the primary use.

"Accessory structure" ~~or "accessory use"~~ means a structure or building detached from a principal structure or building and located on the same lot or parcel, subordinate and clearly incidental to the principal building or structure. The primary use of the site is not carried on in an accessory structure or building. ~~use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.~~

~~"Access way" means a pedestrian and/or bicycle connection between two rights-of-way, or to achieve other connectivity needs as determined by the planning commission. An~~

~~access way conforms to city standards and is in either an off-street public right-of-way or a public access easement on private property.~~

"Alcove" means a recessed section of a building's exterior wall; may provide weather protection or outdoor seating.

"Alteration" means any change, addition, or modification in construction. ~~or a change of occupancy~~. ~~Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.~~

~~Alteration, Structural. "Structural alteration" means a change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration .~~

~~"Apartment" means any multifamily dwelling in which a dwelling unit is or dwelling units are rented, leased, let or hired out.~~

"Applicant" means a person who applies for approval under this code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

"Assisted living facility" means an establishment which provides living quarters and a variety of supportive personal care, limited health care, housekeeping, and/or transportation services to individuals who are unable to live independently due to infirmity of age or disability, but who do not need the full-time, medically-oriented care of a nursing home. ~~Facility which provides or coordinates a range of elderly or disabled personal health care and daily living assistance services, available on a 24-hour basis in a residential setting comprised of one-family or single-family dwellings, duplex or two-family dwellings and multifamily dwellings or any combination thereof, provided, that at least one resident of each dwelling shall be an elderly or disabled person.~~

"Attached single-unit dwelling" means a dwelling unit which is located on that unit's own individual lot or parcel, which is used as an independent dwelling unit, and which is attached to one or more dwelling units by common vertical walls; also known as a townhouse.

"Attached single-~~family~~unit ~~housing~~ dwelling development" means a development consisting of ~~two~~ four or more ~~structures comprised of~~ attached single-unit~~family~~ dwellings.

"Awning" means a light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade.

"Awning sign" means a permanent attached sign affixed or attached to or placed upon an awning.

~~**"Baby-sitting home" means a home occupation in which care is provided to no more than two children (under 15 years old) at one time during a part of the 24-hour day, with or without compensation. This does not include the home of the child.**~~

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Bed and breakfast accommodations" means any establishment located in a structure designed as a detached single-unit dwelling, providing limited overnight lodging and meals for guests pursuant to the requirements outlined in LCMC Section 17.80.060.

"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.

"Blade sign" means a permanent attached sign that projects from, and is supported by or attached to, a roof, canopy, awning, marquee, or wall of a building or structure.

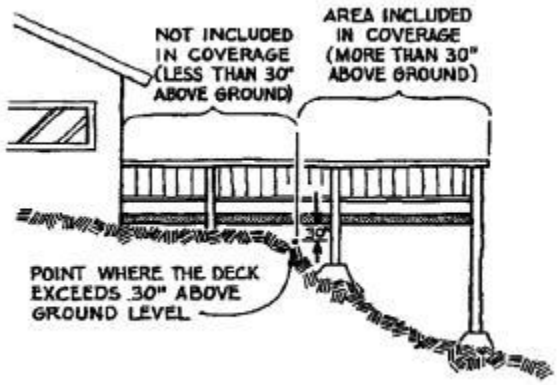
"Bollard" means a post of metal, wood, or masonry, or a combination thereof, that is used to separate or direct traffic, vehicles, pedestrians, or both. Bollards may or may not contain sidewalk or pathway lighting.

~~**"Breakwater" means a structure to protect a harbor or beach from the force of waves.**~~

"Building," means any structure utilized or intended for supporting or sheltering any use or occupancy. ~~including accessory buildings, means a structure built for the support, shelter or enclosure of any persons, animals, chattels or property of any kind.~~

"Building coverage" means the percentage of the total lot or parcel covered by the footprint of all primary and accessory structures and buildings, including decks,

balconies, porches, and stairs. Uncovered decks, porches, or stairs that are 30 inches or less from the ground are not included in the determination of building coverage. ~~**accessory buildings of greater than 200 square feet, decks, balconies, porches, and stairs. Uncovered decks, porches and stairs that are 30 inches or less from the ground shall not be included in the determination of building coverage.**~~



~~**"Building line" means a horizontal line that coincides with the front side of the main building.**~~

"Building official" means the building official of the city of Lincoln City, or ~~**the official's**~~ **authorized designee.**

"Canopy" means a light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic, or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the façade.

"Canopy sign" means a permanent attached sign affixed or attached to or placed upon a canopy.

~~**"Carnival" means an enterprise offering amusement and entertainment through the use of rides and exhibitions.**~~

Carport means a stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies affixed to a permanent foundation per applicable building codes.

"Changeable copy sign" means a permanent sign where the display can only be changed manually and that is incorporated into a permanent attached or permanent freestanding sign.

"City council" means the elected governing body of the city of Lincoln City.

"City engineer" means the city engineer of the city of Lincoln City or authorized designee.

"City manager" means the city manager of the City of Lincoln City or authorized designee.

"City recorder" means the city recorder of the city of Lincoln City or authorized designee.

"Component" means any element of a sign or its source of support (excluding the building) including but not limited to support structure, accessories, wiring, or framing. Paint, vinyl, paper, fabric, lights, diodes, or plastic copy panels on a sign do not constitute components.

"Department" means the planning and community development department of the city of Lincoln City.

"Detached single-unit dwelling" means a single dwelling unit that is not attached to any other dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit, and is on its own lot or parcel.

"Driveway" means the area that provides vehicular access to a site from a street, and/or the area that provides vehicular circulation on a site.

"Clerestory" means the upper part of a wall that rises above a roof and that has windows.

"Commercial" means use involving the buying and/or selling of goods and/or services as the primary activity.

"Commercial building" means a building with more than 50 percent of its ground floor space used for commercial uses. ~~activities. Commercial buildings include, but are not limited to, stores, restaurants, hotels, motels, boarding, lodging or rooming houses, galleries, offices, mixed use buildings, fabrication shops, service stations, warehouses, and government buildings.~~

"Common open space" means land jointly owned to include open space, landscaping, and/or recreation facilities (e.g., may be managed by a homeowners' association).

"Community garden" means a site where plants, including flowers, are grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owner. The plants are grown for personal use by the gardeners, or for donation.

"Comprehensive Plan" means the current adopted Comprehensive Plan of the City of Lincoln City.

"Condominium" means ~~a form of ownership in which separate areas in a residential, commercial, or industrial building may be owned by individuals. The individual owners may also jointly own an undivided interest in common areas such as recreation areas, parking areas, land or other facilities.~~ownership of a single unit in a multi-unit structure that may contain common open spaces and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

~~"Convenience service retail uses" means establishments designed and intended to serve the daily or frequent trade or service needs of the surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundries, dry cleaning establishments, beauty and barber shops, and medical-dental and other professional offices. Specifically excluded are automobile service stations and drive-in restaurants.~~

"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.

"Cornice" means any horizontal member, structural or nonstructural, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

"Court" means any open space, unobstructed from the ground to the sky that is bounded on two or more sides by the walls of a building that is on the same lot or parcel. ~~open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.~~

"Day care center" means an establishment receiving compensation for providing care, supervision, and protection of six or more children at any one time during any part of the 24-hour day.~~a land use in which care is provided to six or more children at any one time and/or by two or more unrelated persons during a part of the 24-hour day. Such day care centers shall have and maintain certification of~~

~~approval from the Children's Services Division as defined and stated in ORS Chapter 148, Child Welfare Services.~~

"Day care home" means a home occupation taking place in a dwelling unit in which care is provided to no more than five children at any one time, by a resident of the dwelling unit, during a part of the 24-hour day, with ~~or without~~ compensation. ~~The care is only to be provided by the residents of the dwelling unit in which the care is administered.~~

"Director" means the planning and community development director of the city of Lincoln City, or authorized designee. ~~and any person designated by the director to act in the director's place.~~

"Discretionary" means a permit action or decision that involves judgment or discretion.

"Dock" means a floating structure extending along or out from the shore into a body of water, to which watercraft may be moored. ~~moorage facility constructed perpendicular or parallel to the shoreline~~.

~~"Dormitory" means a room for sleeping purposes for more than four persons, which is rented.~~

"Drive-in use~~restaurant~~" means an establishment or facility that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles before and during the transaction or activity. ~~a structure or portion thereof primarily so developed that its principal retail or service character is to provide short-order fast foods to patrons while in motor vehicles or while at a counter.~~

"Dwelling" means a structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent indoor provisions for living, sleeping, eating, cooking, and sanitation.

~~Dwelling, Attached Single-Family. "Attached single-family dwelling" means a dwelling which is located on that unit's individual lot, which is used as an independent dwelling unit, and which is attached to one or more dwelling units by common vertical walls.~~

~~Dwelling, Duplex or Two-Family. "Duplex or two-family dwelling" means a detached building designed and used as two independent dwelling units.~~

"Duplex" means one structure containing two primary dwelling units on one lot or parcel. The units must share a common wall or common floor/ceiling and are not located on their own individual lots or parcels.

~~**Dwelling, Multifamily. "Multifamily dwelling" means a building or portion thereof designed as three or more independent dwelling units, with each dwelling unit used as a dwelling unit for more than 30 days, but not including an attached single-family dwelling or a group of attached single-family dwellings.**~~

~~**Dwelling, One-Family or Single-Family. "One-family or single-family dwelling" means a detached building designed and used as one dwelling unit.**~~

"Dwelling unit" means **a building, or a portion of a building, that has independent living facilities including permanent indoor provisions for living, sleeping, cooking, and sanitation, and that is designed for residential occupancy. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.** ~~**one or more rooms designed exclusively and used for occupancy by one family for living purposes and having only one cooking facility.**~~

"Electronic Display Center" means a permanent sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display content or animation any of which can be electronically, digitally, or mechanically changed by remote or automatic means, and that is incorporated into a permanent attached or permanent freestanding sign.

"Façade" means the exterior wall of a building or structure exposed to public view or that wall viewed by persons from a street, sidewalk, or right-of-way.

~~**"Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption or guardianship living together as a single housekeeping unit in a dwelling unit**~~.

"Fenestration" means the arrangement of windows and doors on the elevations of a building or structure.

"Flashing or blinking sign" means a sign that has the presence of a flashing or blinking light source (whether on the face or externally mounted), or the presence of a light source which creates the illusion of intermittent or flashing or blinking light by means of animation.

"Foot candle" means an English unit of measurement of the amount of light falling upon a surface. One foot candle is equal to one lumen per square foot. Foot candle is measured by means of an illuminance meter.

"Freestanding sign" means a permanent sign wholly supported by structures or supports that are placed on, or anchored in, the ground and that is independent of and detached from any building or other structure, whether portable or stationary. Freestanding signs are ground, monument, and pole signs in which changeable copy signs or electronic display centers may be incorporated.

"Frontage" means **that part of a property line abutting a street.** ~~**all the property abutting on a street.**~~

"Government sign" means a sign that is constructed, placed, attached, affixed, installed, erected, or maintained by the federal, state, or local government for the purpose of carrying out an official duty or responsibility, or a sign that is required to be constructed, placed, attached, affixed, installed, erected, or maintained by federal, state, or local government to enforce a property owner's rights.

"Grave marker" means a sign on a cemetery or mausoleum plot or space, including any floral displays or other decorations placed upon the plot or space.

"Gross area" means the total area within the property lines of a unit of land.

"Ground cover" means plants that grow densely and close to the ground, covering large expanses, and deliberately planted to prevent weeds or soil erosion**; also means processed plant material (e.g., mulch, bark chips), river rock, pea gravel, boulders, stones, driftwood, and similar, used for aesthetic purposes and to prevent erosion (i.e., cover bare ground).**

"Ground sign" means a permanent freestanding sign which is permanently anchored to the ground and has no air space between grade and the bottom of the frame or sign face.

"Handheld sign" means a hand-carried sign of four square feet or less in area, worn or carried by a person when being displayed.

~~**"Hardscape" means landscaping elements composed of permanent non-living materials, some of which are designed to sustain foot traffic and/or provide an extension of livable space to the outdoors. Examples include decks, patios, walkways, stairways, and gazebos; retaining walls, other stonework and decorative landscape art. Depending on the extent that the material prevents infiltration of**~~

~~storm water into the soil below, hardscape can be considered either impervious or pervious.~~

"Home occupation" means any lawful activity carried out for gain by a resident of a dwelling unit in that resident's dwelling unit and in which the activity is secondary to the primary use of the dwelling unit as a dwelling unit, where no employees not residing in the dwelling unit enter the premises for any activity related to the home occupation, and does not give the outward appearance of anything other than a residence. ~~not otherwise specifically provided for in this title, commonly carried on within a dwelling by a member or members of a family, no employee or other person being engaged in the same, and in which the activity is secondary to the use of the dwelling for living purposes. A home occupation is one that is conducted in such a manner as not to give the appearance of a business nor to infringe upon the right of neighboring residences to enjoy the peaceful occupancy of their homes.~~

~~"Horticulture" means the cultivation of plants, garden crops, trees and/or nursery stock.~~

"Hotel" means a facility offering transient lodging accommodations for compensation and which may or may not include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities, and where no cooking facilities are provided in any lodging rooms or suites. ~~building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.~~

"Indirect" means, when describing the illumination of a sign, external illumination from a source located away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any right-of-way or adjacent property.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) as internally or trans-illuminated; or reflecting off its surface(s) as externally illuminated. The illumination is "external" when the light source is separate from the sign and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the display is composed of dot matrix or LEDs.

"Illuminance" means the amount of light falling upon a real or imaginary surface at a given distance, commonly called "light level" or illumination."

"Integral sign" means a sign that is embedded, extruded, or carved into the material of a building façade and projecting no more than two inches from a

building, made of noncombustible material (such as bronze, brushed stainless steel, aluminum, or similar).

"Landscaping" **means any combination of living trees, shrubs, plants, flowers, vegetative ground cover, and non-vegetative ground cover, but not including invasive or noxious plants or weeds or artificial trees, shrubs, plants, or flowers, and can include such items as fountains and other water features, benches, decks, patios, pathways, and artificial turf or carpeting**. ~~**includes not only trees, grass, shrubs, flower and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting, but excludes artificial plants, shrubs, bushes or flowers.**~~

"Loading space" means an off-street space or berth ~~**on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses**~~, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

"LED" means a semiconductor diode that converts applied voltage to light.

"Lot" means a **legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning).** ~~plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.~~

~~**"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property.**~~

"Lot depth" means the perpendicular distance measured from the midpoint of the front property to the midpoint of the opposite property line. ~~**average horizontal distance between the front lot line and rear lot line.**~~

~~**"Lot line" means the property line bounding a lot.**~~

~~**Lot line, Front. "Front lot line" means, for an interior lot, a line separating the lot from the street; and for a corner or through lot, a line separating either (but not both) frontages of the lot from the street.**~~

~~**Lot line, Rear. "Rear lot line" means, for an interior lot, a line separating one lot line from another on the opposite side of the lot from the front lot line; for corner lots, either (but not both) interior lot line separating one lot from another; and for**~~

~~an irregular or triangular-shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line.~~

~~Lot line, Side. "Side lot line" means, for interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or line separating the lot from the abutting lot along the same frontage.~~

"Lot width" means the horizontal distance between the side property lines measured at right angles to the lot depth at a point midway between the front and rear property lines. ~~average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.~~

"Marquee" means a permanent roofed structure attached to and supported entirely by a building; no part of which shall be used for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment of the façade.

"Marquee sign" means a permanent attached sign affixed or attached to or placed upon a marquee.

"Monument sign" means a permanent freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above-ground portion of the base is considered part of the total allowable height of a monument sign.

"Medallion" means a small decorative detail used to accent a building's exterior.

"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.

"Mixed use" means a development that includes a **building or buildings containing a** mix of commercial and residential uses that are planned and developed together on the same site. ~~or adjoining sites~~**.** The mix of uses may occur in the same building or in separate buildings**, provided at least one building in the development contains both commercial and residential uses.**

"Multi-unit dwelling" means a structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

"Neat, clean, and in good repair" means the following: "Neat" means without rotting or broken parts; having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic; without graffiti; and without faded, washed-

out, or illegible displays. "Clean" means free of dirt, unsoiled, without grime or soot, but does not include minor dust coating that is undetected from the main-traveled way of a public right-of-way. "Good repair" means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

"Neon sign" means a sign internally or externally illuminated by a light source consisting of neon or other method that simulates the appearance of a neon tube, except for fluorescent lighting.

"Net area" means the area left after subtracting from the gross area the following: significant wetland areas, significant riparian areas, areas dedicated for public rights-of-way, areas dedicated to the public for public parks, areas in a bluff erosion zone, and areas in a flood hazard area.

"Nonconforming commercial site development" means characteristics of existing developed properties that do not meet standards specified in Chapter 17.74 LCMC, ~~Commercial~~ Design Standards. ~~Or design standards adopted for specific pearl districts, as applicable.~~

"Nonconforming sign" means any sign which lawfully exists prior to the effective date of the ordinance codified in this chapter but which, due to the requirements herein, no longer complies with the height, area, or placement regulations or other provisions of this chapter.

"Occupancy classification" means the formal designation of the primary purpose of the building, structure, or portion thereof as listed in the adopted Oregon Structural Specialty Code and Oregon Residential Specialty Code.

"Off-street parking" means all off-street areas, not in public right-of-way or on private streets, designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 17.56 for parking standards.

"On-street parking" means parking in the public right-of-way, or private streets.

"Orient" means to cause to face toward a particular point of reference (e.g., "A building oriented to the street").

"Original art display" means a hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing images.

"Owner**" is the owner of the title to real property or the contract purchase of real property of record, as shown on the latest assessment records in the Lincoln County Assessor's Office. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the city a copy of a recorded deed or contract of sale signed by the owner of record. ~~means the person in whom is vested the ownership, dominion or title of property; proprietor; including an authorized agent of the owner.~~**

"Parapet" means a low protective wall at the edge of a roof or balcony.

"Parcel." See "Lot."

"Parking area" means all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

"Parking space" means an improved space designed to provide temporary standing area for a vehicle. See Chapter 17.56 LCMC for parking space standards.

"Pathway" means a pedestrian and/or bicycle way on **public or** private property that provides pedestrian and/or bicycle circulation within a site and to adjacent sites and facilities, that **may or may not be dedicated to the public or within right-of-way.**

"Pearls" mean the 6 historic business districts that comprise the seven-mile stretch of Lincoln City that is connected by Highway 101 on the Oregon Coast. These districts are Wecoma, Oceanlake, Delake, Nelscott, Taft, and Cutler City, and the boundaries of each are identified on the city's adopted zoning map. Oceanlake, Nelscott, and Taft are also zoning districts in addition to being a pearl.

"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway, or other area that is used principally by pedestrians. Bollards, wall-mounted lights, and step lights are typical of pedestrian-scale lighting.

"Pedestrian space" means areas planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, tenants, employees, or customers in common. Examples include plazas, courtyards, alcoves, outdoor seating areas, private parks, and viewpoints overlooking natural resource areas. Pedestrian spaces do not include public parks unless the public parks were approved as Pedestrian Space and conveyed to the city.

"Pediment" means a low-pitched gable over a portico, door, or window; may be used to reduce the scale of a building façade.

~~**"Perennial" means a landscape plant that persists for several years with new herbaceous growth from a part that lives over from one growing season to another**~~

"Permanent sign" means a sign permanently and directly attached by means of screws, nuts, bolts, anchors, or similar, or affixed directly, to a permanent structure, wall, building, canopy, awning, or marquee for permanent display.

"Pier" means**, in architectural terms, a portion of a wall between windows, doors, or other openings. As a water facility, it means** a fixed moorage facility constructed outward from the shoreline.

"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.

~~**"Planted area" means landscaped area that supports living vegetation. The area includes non-living groundcover (as defined in LCMC 17.52.100(F)(2)) in between plantings and is intended to reduce soil erosion and beautify the area.**~~

"Plaza" means an outdoor area designed to encourage social interaction and accommodate recreational evens, events, or relaxation. Plazas are typically provided with pedestrian amenities, art, and/or landscaping.

"Pole sign" means a permanent freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

"Portico" means a porch or entrance to a building consisting of a covered and often columned area.

"Practicable" means capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

"Primary entrance" means the entrance to a building that most individuals are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

"Primary structure" means a structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

"Primary use" means an activity or combination of activities of chief importance on the site. The main purpose for which the land or structures are intended, designed, or ordinarily used.

"Property line" means the division line between two units of land.

"Front property line" means a property line that abuts a street. On a corner lot, the front property line is the shortest of the property lines that abut a street. If two or more street property lines are of equal length, then the property owner can choose which property line is to be the front. However, a through lot has two front property lines regardless of whether street property lines are of equal or unequal length.

Rear property line means the line opposite the front property line. For irregular or triangular lots, the rear property line shall be a straight line 10 feet in length, within the lot, parallel with and at the maximum distance from the front property line.

Side property line means property lines that are neither a front or rear property line. On a corner lot, the longest property line which abuts a street is a street side property line.

"Public utility" means telephone, electric, natural gas, telecommunication, and similar franchise facilities, and water and wastewater (sanitary sewer and storm) conveyance and treatment facilities. Utility uses may or may not have regular employees at the site. Services may be public or privately provided.

"Radio and television transmitter or tower" means transmitter or tower that disseminates only radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

"Repair" means mending or replacing broken or worn parts or elements with comparable (like for like) materials and like dimensions, while retaining all existing dimensions as well as all sound parts and elements.

"Replace" means actions to substitute one material or system for another when like for like is not possible.

"Residential facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities) or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

~~**"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.**~~

"Resort" means a place providing lodging and recreation to vacationers for a fee.

"Roof sign" means a permanent sign erected upon, against, over, or above the roof of any building or structure or a sign placed directly on the roof such as a painted sign where the painting takes place directly on the surface of the roof.

"Routine repairs and maintenance" means the activities intended to preserve and care for a structure, building, landscaping, or other improvements to such an extent that they remain safe, presentable, neat, and carry out the purpose for which they were initiated, installed, constructed or required, without expanding the existing development or activity; also the regular upkeep of physical properties including recurring, preventative, and on-going maintenance necessary to delay or prevent the failure of critical and non-critical building systems, buildings, and structures. Examples of routine repairs and maintenance include painting, re-roofing, repairing

dry rot, re-siding, replacing exterior windows or doors in the same location as their existing location, or similar.

"Setback" means the minimum or maximum distance required between a specified object and another point. Typically, a setback refers to the minimum or maximum distance from a building or structure to a specified property line.

"Front setback" means the required distance from the front property line and a specified object.

"Rear setback" means the required distance from the rear property line and a specified object.

"Interior side setback means the required distance from the side property line and a specified object.

"Street side setback means the required distance from the street side property line and a specified object.

"Garage/carport entrance setback" means the distance from the property line to the garage/carport entrance.

~~**"Shared street" means a low-volume and low-speed street, as the city's transportation system plan designates, used by pedestrians, bicyclists, and motor vehicles, and where pedestrians have priority over motor vehicles and bicyclists. Shared streets do not have clear division between pedestrian and motor vehicle space (e.g., no continuous curb) and typically include such features as street furniture (e.g., planters, street trees, benches) and areas for social interaction. Design criteria for shared streets are in the transportation system plan.**~~

~~**"Shared-use path" means a facility for non-motorized travel outside of the roadway, intended for transportation, recreation, or both. Typical design standards for shared-use paths are in the city's transportation system plan.**~~

~~**"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.**~~

"Sign" means any display, illustration, structure, or device that has a visual display where any portion of said visual display is visible from any public and designed to identify, announce, direct, or inform. The scope of the term "sign" does not depend on the content of the message or image being conveyed.

"Sign structure" means any structure which supports, has supported, or is capable of supporting a sign.

~~**Sign, Advertising. "Advertising sign" means a sign which directs attention to a business, product, activity or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.**~~

"Sidewalk cafe" means any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.

"Site" means for land divisions and property line adjustments, the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- **If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.**
- **If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.**
- **If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.**

~~**"Silviculture" means the care and cultivation of forest trees; forestry.**~~

~~**"Site plan" means a plan, prepared to scale, showing accurately and completely all dimensions of the uses proposed for a specific parcel of land.**~~

"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.

"Street" means, for purposes of this title, the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms, and may be used interchangeably with, "road," "highway," "lane~~ed~~," "place," "avenue," "alley" and other similar designations.

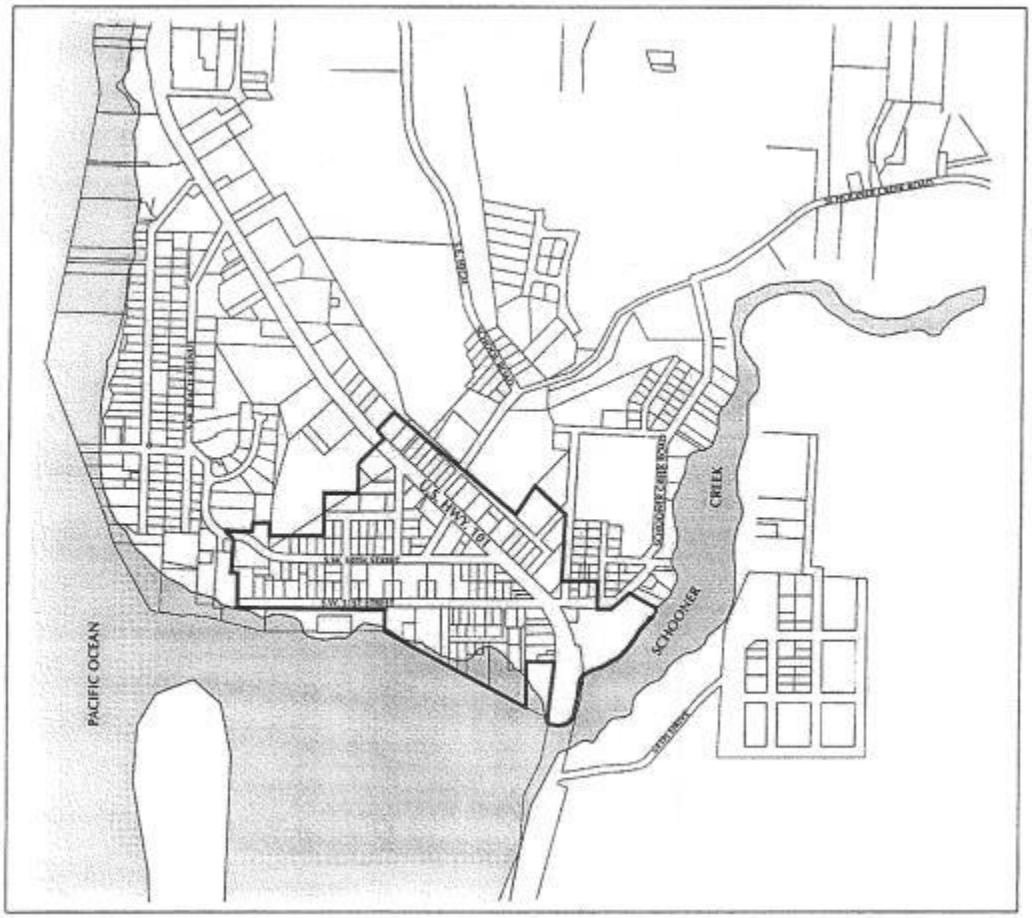
"Structure" means except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not

include paved areas or vegetative landscaping materials. ~~**something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.**~~

"Structural alteration" means a change or repair of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any decrease or increase to number of size of exterior openings shall be considered a structural alteration.

"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).

"Tenant space" means, in reference to Chapter 17.72 LCMC and Chapter 9.34 LCMC, an area, unit, or space occupied by a person or entity where a certificate of occupancy for the current occupancy classification and use of the area, unit, or space has been issued, as well as any other applicable permits related to the area, unit, or space.



Taft Village Core

"Tract" means a piece of land within a platted subdivision reserved for common open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowners' association or other entity for maintenance.

"Transom" means a horizontal crossbar in a window, over a door, or between a door and a window.

"Transom window" means a window immediately above a door or other window and commonly hinged to a transom.

~~"Transitional area" means an area consisting of a lot, lots or parts of lots, within any residential district, having side lot lines abutting a boundary of a commercial or industrial zone, and extending not more than 100 feet from such boundary into the residential zone.~~

"Transparency (windows)" means non-reflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating council.

"Turret" means a small tower extending above a building.

"Underlying zone" means the property's existing zoning district ~~existing zone on the property~~ at the time an application is accepted for processing. ~~of application.~~

"Use" means the purpose or activity for which land or a building or structure thereon is designed, arranged, occupied, or intended or for which it is maintained, and shall include any manner or performance of such activity with respect to the performance requirements of this title.

~~"Use limitations" means regulations intended to limit or emphasize the desired nature and quality of uses permitted within a business or special district.~~

"Land Use regulations" means regulations which relate to a specific condition such as density or intensity or to building size, bulk or siting conditions occurring anywhere and for any type of building located within a given zoning district.

"Unlawful sign" means a sign or sign structure that does not conform to the provisions of this chapter and is not a nonconforming sign.

"Utility sign" means a sign constructed or placed by a utility on or adjacent to a pole, pipe, vault, substation, box, or pump of the utility.

"Variance" means a decision by the review authority to lessen or otherwise modify the requirements of the zoning code. ~~is a term applied to the authorization after a public hearing for the construction or maintenance of a building or structure. The rationale for the use of a variance is to provide for administrative relief from the literal terms of a zoning code.~~

"Vehicle sign" means a sign on or attached to a motor vehicle, truck, trailer, van, bus, railroad car, light rail car, or similar.

"Video sign" means a sign providing a display in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing displays in a full spectrum of colors and light intensities.

"Wall sign" means a permanent attached sign that is affixed parallel with the wall or painted or printed on the wall, or is affixed flat against the sloping surface of the wall.

"Window sign" means a sign applied, printed, painted, attached, or affixed to the interior or exterior of a window and visible from outside of the window.

~~Yard, Transitional. "Transitional yard" means a yard that must be provided with landscaping and screening on a lot in a commercial district which adjoins a lot in a residential district. A transitional yard shall include any required yard or right of way setback.~~

~~"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.~~

~~Yard, Front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.~~

~~Yard, Rear. "Rear yard" means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.~~

~~Yard, Side. "Side yard" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.~~

~~**Yard, Street Side. "Street side yard" means a yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of the building.**~~

SECTION 2. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing definitions as set forth in this ordinance, the definitions as they existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 3. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and 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. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 6. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 7. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any

Whereas clauses and boilerplate provisions (i.e. Sections 3-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the 27th day of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of July 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

Exhibit "A"

FINDINGS

The Findings for Ordinances 2020-10, 2020-13, and 2020-14 support the definitional amendments contained in this Ordinance. Said changes were simply moved from the above-referenced ordinances to this ordinance for clarity. The Findings in the Exhibits to the above-referenced ordinances are adopted to support this ordinance and are specifically incorporated herein by this reference.

Council Communication

Ordinance 2020-18 Bard RD LID Final Assessment

Meeting Date:	July 27, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Lila Bradley
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question:

Should the City Council conduct and approve Second Reading of Ordinance 2020-18 and adopt the Ordinance imposing the Final Assessment for the SW Bard Road Sanitary Sewer LID?

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

Staff Recommendation:

Staff recommends Council conduct and approve Second Reading and adoption of Ordinance 2020-18.

Ordinance 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.

Final Assessment / Lien Authority:

13.04.120 Assessment ordinance.

When the estimated cost of an authorized local improvement has been ascertained on the basis of the contract award or estimate of costs of the engineer for the city, or after the work is done and the cost thereof has been actually determined, the council shall determine whether the property benefitted shall bear all or a portion of the cost. The city recorder, or such other person as the council may direct, shall prepare the assessment to the respective lots within the assessment district and file it in the appropriate city office. Notice of such assessment shall be mailed or personally delivered to the owner, or reputed owner, of each lot to be assessed. Such notice shall state the name of the owner or reputed owner, the description of the property proposed to be assessed, the amounts of assessment proposed on that property, and shall fix a date by which time objections shall be filed with the recorder, or other person designated by the council. Any such objection shall state the grounds for the objection. The city council shall consider such objections at a public meeting and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessments to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments. (Ord. 90-28 § 5; Ord. 84-15 § 11)

13.04.130 Notice of assessment.

Within 10 days after the ordinance levying assessments has been passed, the city recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property and shall publish notice of such assessment once in a newspaper of general circulation in the city, which shall be made not later than 10 days after the date of the assessment ordinance. The notice of assessment shall include the name of the property owner, a description of the assessed property, the amount of the assessment, and the date of the assessment ordinance, and shall state that interest will begin to run on the assessment and the property will be subject to foreclosure unless the owner either makes application to pay the assessment in installments within 20 days after the date of the publication of notice or pays the assessment in full within 30 days after the date of the assessment ordinance. No application for installment payments shall be approved or filed by the city if the amount remaining unpaid upon such assessment together with the unpaid balance of any previous assessments for improvements against the same property exceeds the assessed valuation of the property, as shown by the last county tax roll. (Ord. 90-28 § 6; Ord. 84-15 § 12)

13.04.140 Lien records – Collection and foreclosure proceedings.

A. After passage of the assessment ordinance by the council, the city recorder shall enter in the city lien docket a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the name of the owners and the date of the assessment ordinance. Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof which have been assessed for such improvement. All assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the state permit. Interest shall be charged at a rate that shall be variable, depending on (1) the rate the city would earn in the local government investment pool on the date of final assessment, plus two percent, during any period during which the improvement is financed out of the city's unbonded assessment fund; and thereafter (2) the average interest rate the city must pay the purchasers of Bancroft bonds, issued under the Bancroft Bonding Act procedures of state law, plus two percent to cover the city's costs of financing, such as but not limited to bond risk, during any subsequent period during which the improvement is financed out of revenues from the sale of Bancroft bonds. If the owners of real property have signed applications to pay in installments, the owners shall pay at the time of submission of the application a processing fee in the amount of one-half percent of the final assessment to cover the costs of processing the application, and also shall pay the amount of the county recording fee for the assessment lien.

B. Any assessments for which the owners of real property have signed applications to pay in installments, which are more than 30 days delinquent, may be charged a late payment charge, equal to one and one-half percent interest per month or part thereof, provided the owners have been notified in writing in advance by the city.

C. After 60 days from the date the assessments are due and payable, the city may proceed to foreclose the liens or enforce collection of the assessments in the manner provided by the general law of the state.

D. The city may charge all assessment accounts which are delinquent and subject to collection the city's reasonable attorney fees attributable to the collection process or foreclosure of the city's lien.

E. If the owners of real property have signed applications to pay in installments, the owners at any time may pay to the city the unpaid balance of the amount of the assessment, together with the full amount of interest to the next installment date, charges, and late payment penalties and charges accrued thereon to the date of payment, in full payment thereof. (Ord. 2016-02 § 2; Ord. 96-2 § 1; Ord. 90-28 §§ 7, 8; Ord. 84-15 § 13)

Background:

First Reading was completed and approved on July 13, 2020. The following change is proposed:

> **SECTION 6. Deferral for Potential Units / Installment Payments LID and SDC.** Deferral for potential units (over the one per lot minimum) is expressly permitted if filed in strict compliance with the Code deadline. The full amount deferred must be paid upon the occurrence of a trigger specified in the ordinance. Installment Payments for the LID final assessment and SDCs shall be permitted consistent with LCMC 13.04.160, Resolution 2019-22, Resolution 2019-26 and this Final Assessment Ordinance. Frequency of installment payments and interest rates of the final assessment shall be as provided in the Final Engineering Report.

The Ordinance adopts the Final Assessment for the SW Bard Rd. Sanitary Sewer Local Improvement District. The Engineering Report has been updated based on the actual cost of construction.

Council Options:

1. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Continue Second Reading to August 10, 2020 [or]

3. Do not proceed with proposed ordinance.

Financial Impact

None expected.

Potential Motions:

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING

AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-18.

   [or]

2. Motion to set Second Reading for August 10, 2020

Attachments:
2020-18 LID for Second Reading (DOCX)
Final Engineer's Report - (Exhibit 1) 7.6.20 (PDF)

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

WHEREAS, following passage of Local Improvement District Initiation Resolution No. 2019-22 and duly advertised and noticed public hearings, the City Council passed LID formation Resolution No. 2019-26 on October 28, 2019 and ordered the formation of the "SW Bard Road Sanitary Sewer Local Improvement District" consisting of low pressure sewer and gravity sewer and ordered the construction of such local improvements consistent with the City Engineer's Report; and

WHEREAS, the construction contract was awarded to Jesse Rodriguez Construction LLC in January 2020, and construction of the SW Bard Road LID was completed in May 2020; and

WHEREAS, pursuant to LCMC 13.04.120 following completion of construction, property owners within the District were notified in writing and by advertisement of the final assessment and provided an opportunity to submit written objections (stating specific grounds) to Council; and

WHEREAS, on July 13, 2020 a noticed public hearing was held (although not required) for the purpose of hearing any last minute proper objections; and

WHEREAS, on July 13, 2020 Council deliberated as provided in LCMC 13.04.120; and

WHEREAS, following consideration of written objections and comments in the record, the Council elected to modify the proposed LID assessments from the estimates set forth in formation Resolution No. 2019-26 to reflect the actual costs of construction as set forth in the Final Engineering Report dated May 2020, attached hereto as Attachment 1, and incorporated herein by this reference; and

WHEREAS, Council further determined to spread the assessments by this Ordinance against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, as reflected in Attachment 1 Lincoln City Final Engineering Report; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Acceptance. The City of Lincoln City sanitary and low-pressure improvement project, known as the "SW Bard Sanitary Sewer Local Improvement District" has now been completed in accordance with Lincoln City Resolutions No. 2019-22 and 26, and is hereby accepted and approved.

SECTION 2. Engineering Report and Total Cost. The Lincoln City Engineering Report, updated to show actual cost of construction, is hereby adopted and approved, said report and Exhibits being attached hereto and incorporated herein by this reference. The City Recorder has completed the assessment role covering the total cost of the project which was $171,908.48 which was ***less than*** the 2019 estimate of $212,371.50.

SECTION 3. Assessed Property. The full and complete legal description of the Local Improvement District area to be assessed for this local improvement project is contained in Exhibit "A" to Attachment 1 attached hereto and incorporated herein as though fully set forth.

SECTION 4. Final Assessment Roll. The final assessment notices have been mailed by the City Public Works Staff to all the property owners and the time within which to file objections has passed. The City Council has heard and passed upon all objections which were filed. The total final assessment roll has been completed and is attached hereto as Exhibit "D" to Attachment 1 and incorporated herein as though fully set forth.

SECTION 5. Levy of Assessments. The Final Assessment Roll set forth in Exhibit D to Attachment 1 as attached hereto is hereby approved and the City Council does hereby declare and levy the several assessments as set forth in the assessment roll as a levy and assessment against the several properties affected and as described in the final assessment roll and in the name of the individual property owners appearing or as a part of the description of said property.

SECTION 6. Deferral for Potential Units / Installment Payments LID and SDC. Deferral for potential units (over the one per lot minimum) is expressly permitted if filed in strict compliance with the Code deadline. The full amount deferred must be paid upon the occurrence of a trigger specified in the ordinance. Installment Payments for the LID final assessment and SDCs shall be permitted consistent with LCMC 13.04.160, Resolution 2019-22, Resolution 2019-26 and this Final Assessment Ordinance. Frequency of installment payments and interest rates of the final assessment shall be as provided in the Final Engineering Report.

SECTION 7. Findings Adopted.
The findings contained in the Whereas Clauses of this Ordinance, as well as the competent substantial evidence in the whole record of this proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this action.

SECTION 8. 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 9. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 7-9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing Ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July, 2020 (First Reading) and on the 27th Day of July, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of July, 2020.

_____
DICK ANDERSON,
MAYOR

ATTEST:

_____
CATHY STEERE,
CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO

1 CITY ATTORNE

CITY ENGINEER'S REPORT

SW Bard Road Sewer Improvements

SANITARY SEWER LOCAL IMPROVEMENT DISTRICT

May 20, 2020

Background

In October of 2019 The Lincoln City City Council approved Resolution 2019-22, forming a Local Improvement District to install sanitary sewer service on SW Bard Road. Pursuant to the City of Lincoln City's Municipal Code of Ordinances Chapter 13.04, a contract for the construction of designed sanitary sewer service to the 17 properties was bid January of 2020. Construction was completed May of 2020.

Location of the Improvements

Exhibit "A" presents a map outlining the Local Improvement District boundary.

Wastewater Facilities Plan

The Bard Road Local Improvement District (LID) improvement flows to the SE 3rd St. Pump Station. This pump station is part of the "System Backbone" and has a current capacity rating of 4000 gallons per minute. The identified flow in 2004 was 2800 gallons per minute.

Budget for the design, maintenance, and improvement of this pump station has been put forward for the 2021-2022 & 2022-2023 fiscal year.

Description of the Improvements

The city has completed the construction of the Sanitary Sewer improvements. The As-built construction drawings for the sanitary sewer is put forward in Exhibit "B". The project constructed 357' of gravity sanitary sewer and 950' of low pressure sewer system. The gravity portion will consist of 8" PVC pipe, while the gravity portion will be 2" or 3" High-density polyethylene (HDPE) pipe. This provides a service lateral to each lot of record at the time of construction. The system was sized to serve each parcel's maximum build-out according to section 17.20 (R-M) of the current LCMC.

Property owners on the pressure sewer portion of the LID will need to install an E-One grinder pump when connecting to the public sewer system. The pump will be sized based on the size of development planned. Lots with potential development greater than or equal to 3 single family homes have been provided a larger pressure connection (2") to accommodate larger potential development without changing the public system.

Project Cost Summary

The final cost of construction and administration is $171,908.48; See Exhibit "C". City staff handled both project design and construction administration.

Zoning and Method of Assessment

Within the local improvement district, there are 17 properties. These vary in size from 6,970 square feet to 39,200 square feet. Sixteen (16) properties benefitting are zoned (Residential-Multifamily) R-M, with one (1) lot zoned (Open Space) OS. The benefitting lot's maximum densities are calculated per Chapter 17.20 of the Lincoln City Municipal Code, See Exhibit "D".

The maximum allowed density on these lots varies from 1 single family home to 24 potential multifamily units. 11 of the 17 parcels within the improvement district are developed with existing single family residential homes.

The method of assessment adopted in resolution 2019-22 based LID assessment on the maximum allowed Residential-Multifamily development. In the case that this assessment does not cover the minimum material and labor cost to install a parcel's lateral connection, a cost of $1,955.00 is assessed. This is the bid item cost for the required fittings at each lateral and 15' of service pipe. This has been applied to 1 parcel – Lot #00800.

The remaining construction cost of sanitary sewer improvements within the local improvement district is $169,953.48. This cost divided by the remaining 149 potential Multi-family units equals an assessment of $1,140.63 per potential multi-family unit.

Financing

Each lot owner will be given the option to finance the cost of the Local Improvement District. The City will finance up to 20 years, at a rate 2% over the current Local Government Investment Pool (LGIP) rate. The LGIP rate is 1.3% as of May 14, 2020. Each property's monthly cost for 20 year financing at 3.3% has been estimated using the project estimate. See Exhibit "D".

The City will place a lien on the property until the LID cost is paid in full. The City assessment lien shall be superior to all other liens or encumbrances on property insofar as Oregon Law permits. The property owner will have 60 days after the final assessment public hearing to either pay the LID assessment off in full or apply for the City financing. Property owners must pay or finance at least the base unit cost. Additional assessment may then be deferred until property sale or issuance of a building permit.

When a property has applied for financing of the LID cost, the owner shall pay at the time of submission of the application a processing fee in the amount of one-half (1/2) percent of the final assessment to cover the costs of processing the application. The property owner will also pay the amount for the county recording fee for the assessment lien.

If the property owners have signed applications to pay in installments, the owner at any time may pay to the City the unpaid balance of the amount of the assessment. This includes interest to the next installment date, charges, and lay payment penalties and/or charges accrued to the date of payment. LID lot assessments must be paid in full at (1) change in ownership of the property or (2) issuance of a building permit.

The estimated $1,140.63 per unit is to reimburse the City for the cost to install the public sewer. The total cost to connect to the sewer system would additionally include the items outlined in Exhibit "C":

- System Development Charges ($4,048.00 in 2019)
- Inspection Fees/Permit Fees
- On-site construction costs
- Abandoning existing septic tank (if applicable)

SEWER CONNECTION MANDATES

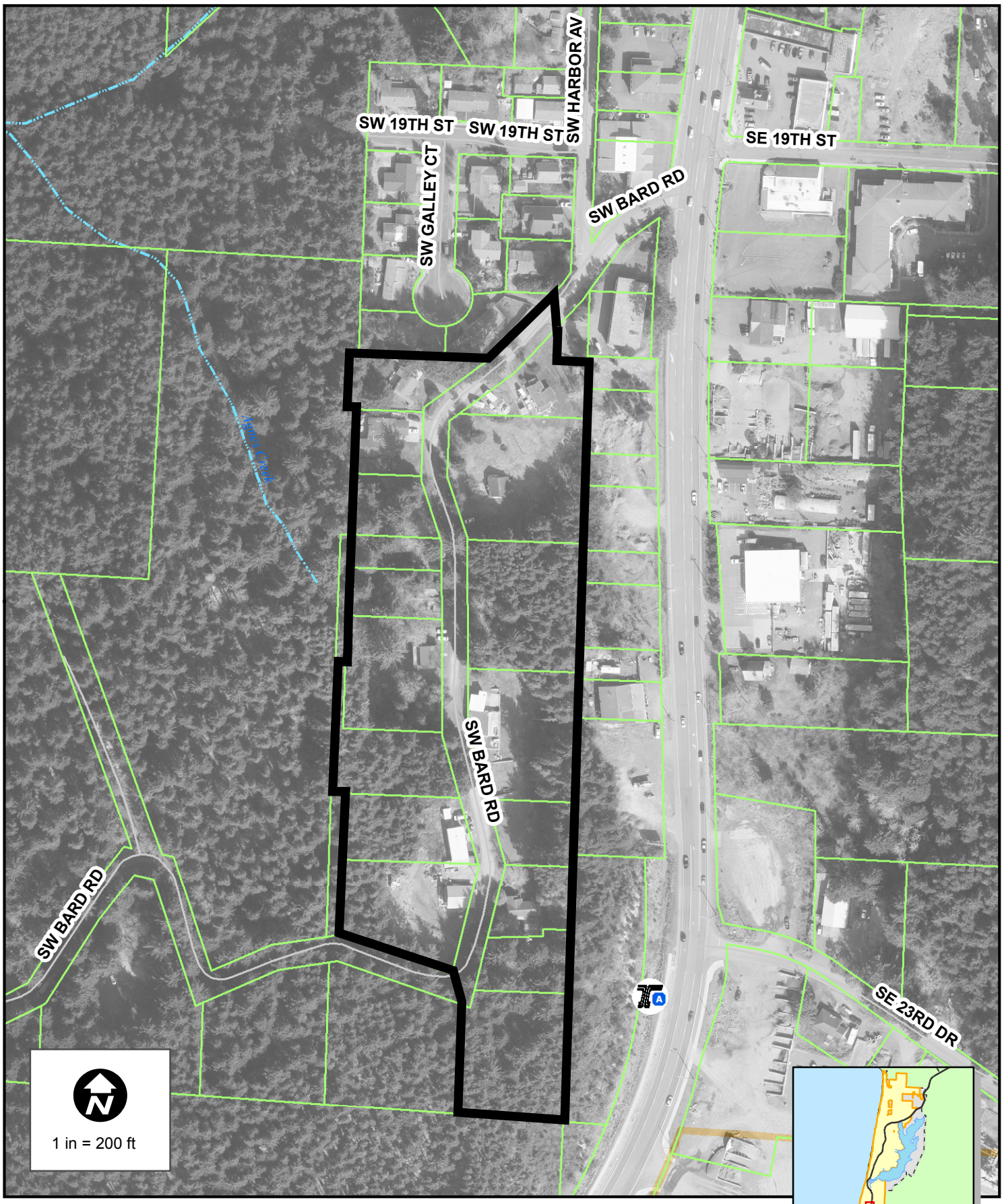
Existing developed properties in the LID will be required to connect to the sewer system under the following circumstances:

1. Septic tanks must be inspected at 5, 10, and 15 years. If the septic system fails an inspection, the owner will not be allowed to fix the septic system but must connect to the public sewer system
2. If an existing home is sold, a condition of the sale is for the home to be connected to the public sewer system.
3. If an existing home is remodeled or enlarged more than 50% of the existing value, or the remodel requires the expansion of the septic system, the home will be required to connect to the public sewer system.
4. All existing homes within the LID must connect to the public sewer system within the LID financing period of 20 years.

City Engineer's Signature: *Stephanie Reid, PE*

Date: *May 26, 2020*

EXHIBIT "A"



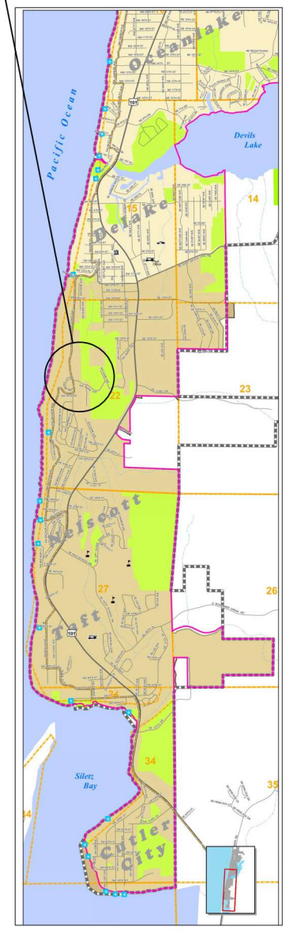
Vicinity Map

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.

LID COVER SHEET

EXHIBIT "B"

PROJECT LOCATION



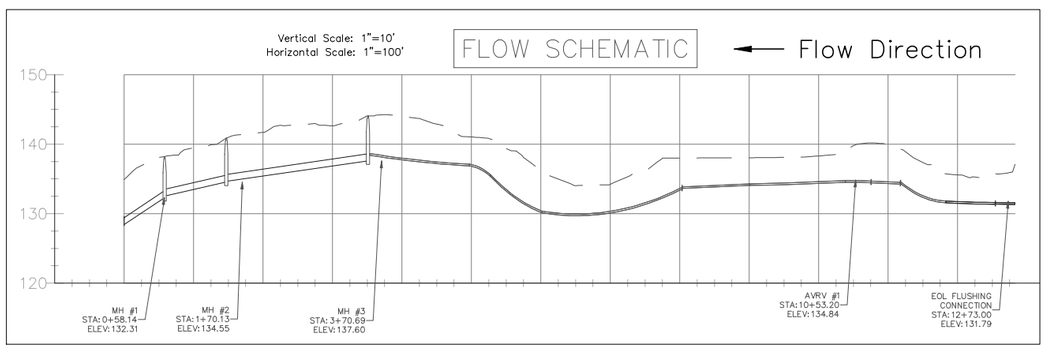


0 50 100 Feet
Scale: 1"=50'

MATERIAL SPECIFICATIONS:

- ALL LOW PRESSURE SEWER PIPING SHALL BE DR11 HDPE PIPE (IPS)
- ALL FUSED PIPE JOINTS, ANGLES, AND TEES SHALL BE BUTT FUSION UNLESS OTHERWISE APPROVED.
- FUNCTIONAL GREEN TRACER WIRE SHALL BE INSTALLED ALONG THE CROWN OF ALL SEWER PIPING. WIRE SHALL BE DAYLIGHTED AT BACKFLOW CONNECTIONS, MANHOLE CONNECTIONS, AIR RELEASE VALVES, AND FLUSHING STATIONS.
- AIR VACUUM / RELEASE VALVES SHALL BE DeZurik APCO 443, Val-Matic VM801A, OR EQUIVALENT. AVRV SHALL BE INSTALLED WITH 4" PVC FILTER HOUSING AND RECHARGABLE AIR FILTER. FILTER SHALL BE SWEET AIR SEPTIC TANK FILTER, STUDOR MAXI-FILTRA, OR EQUIVALENT.
- ALL VALVES SHALL BE PVC, FULL PORT BALL VALVES, TRUE UNION TYPE, 250 PSI PRESSURE RATING, EPDM SEATS AND THREADED ENDS. SEWER VALVES SHALL HAVE 2" SQUARE OPERATING NUT.
- BACKFLOWS CHECK VALVES AND INLINE VALVES SHALL BE COVERED WITH AN EXTENSION TYPE CURB BOX (PER E-ONE DETAIL)
- CAPPED END OF LATERAL SHALL BE MARKED WITH A GREEN PAINTED 2"X4" TRACER WIRE WILL BE DAYLIGHTED TO FINISHED GRADE.
- SUBMITTALS SHALL INCLUDE: CRUSHED ROCK BACKFILL, SEWER PIPE AND FITTINGS, SEWER APPURTENANCES, WORKER PIPE FUSION CERTIFICATION, WATER PIPE & BLOW-OFF FITTINGS, FULL CONSTRUCTION SCHEDULE, PRESSURE TESTING, EROSION CONTROL, AND TRAFFIC CONTROL.

SHEET 1: Cover Sheet
SHEET 2: STA 0+00 - 5+00
SHEET 3: STA 5+00-10+00
SHEET 4: STA 10+00-12+73
SHEET 5: Details
SHEET 6: Details



GENERAL NOTES:

- ALL CONSTRUCTION ACTIVITIES SHALL BE DONE IN ACCORDANCE WITH ODOT 2018 STANDARD SPECIFICATIONS. WORK SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH FRIDAY, UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- CONTRACTOR SHALL PROVIDE ALL APPLICABLE PUBLIC AND PRIVATE CONSTRUCTION NOTIFICATION AS DETAILED IN THE PROJECT SPECIAL PROVISIONS. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER SERVICE DISRUPTION AND INTERRUPTION OF ROADWAY AND DRIVEWAY ACCESS.
- CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A CURRENT SET OF PLANS, SPECIFICATIONS AND SPECIAL PROVISIONS ON SITE AT ALL TIMES. CONTRACTOR IS REQUIRED TO RECORD ANY CONSTRUCTION DEVIATIONS TO THESE DRAWINGS AND NOTE THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES ENCOUNTERED. AS-BUILTS SHALL BE SUBMITTED TO THE CITY FOLLOWING PROJECT COMPLETION.
- LOCATIONS AND DESCRIPTIONS OF ALL EXISTING UTILITIES OR OTHER OBSTRUCTIONS SHOWN IN THE PROJECT PLANS ARE COMPILED FROM AVAILABLE RECORDS. ACCURACY AND COMPLETENESS ARE NOT GUARANTEED.
- CONTRACTOR SHALL FIELD-VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE THAT OCCURS TO ASPHALT PAVEMENT, CONCRETE PAVEMENT, CONCRETE STRUCTURES, BUILDINGS, VALVE AND/OR METER BOXES, SIGNS, ETC. DUE TO CONSTRUCTION ACTIVITIES.
- NO OPEN EXCAVATION TO BE LEFT DURING CONSTRUCTION OFF HOURS. ALL OPEN CUTS OF EXISTING STREETS AND DRIVEWAYS TO BE BACKFILLED TO GRADE, PATCHED WITH A HOT OR COLD AC MIX, OR COVERED WITH A STEEL PLATE.
- EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING CITY AND D.E.Q. REQUIREMENTS.
- CONSTRUCTION WILL RUN ADJACENT TO PRIVATE RESIDENCES, COMMERCIAL BUSINESS, AND PUBLIC FACILITIES. CONTRACTOR MAY BE REQUIRED TO LIMIT OR MODIFY CONSTRUCTION ACTIVITIES TO MEET NOISE OR ACCESS REQUIREMENTS.
- RESIDENTS AND BUSINESSES SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION. SHOULD ACCESS TO INDIVIDUAL PROPERTIES BE BLOCKED THE CONTRACTOR SHALL PROVIDE RESIDENTS 48 HOUR NOTICE PRIOR TO WORK.
- NO DISTURBANCE OR STAGING ON PRIVATE PROPERTY SHALL OCCUR WITHOUT WRITTEN CONSENT FROM THE PROPERTY OWNER.
- BARRICADES, SIGNAGE AND APPROPRIATE TRAFFIC CONTROL SHALL BE PROVIDED WHEN EQUIPMENT IS IN ROADWAY.
- SEWER SHALL MAINTAIN A DIFFERENCE IN DEPTH OF 1.5' BELOW ANY WATER CROSSING.
- LOW PRESSURE SEWER SHALL BE HYDROSTATICALLY PRESSURE TESTED AT 150 PSI FOR A MINIMUM OF 10 MINUTES. A PLAN SHALL BE SUBMITTED BY CONTRACTOR AND SHALL ALLOW FOR ADEQUATE EXPANSION OF HDPE PIPE. TESTING SHALL BE COMPLETED IN THE PRESENCE OF LCPW, AND RESULTS SUBMITTED TO THE CITY WITH GRAVITY SEWER TV FOOTAGE.

TRAFFIC CONTROL:

- CONTRACTOR SHALL BE ALLOWED TO CLOSE SW BARD ROAD TO THROUGH TRAFFIC DURING WORKING HOURS. ROADWAY SHALL BE RE-OPENED DURING NON-WORKING HOURS. LOCAL TRAFFIC SHALL BE ALLOWED, AND ACCESS MAINTAINED FOR LOCAL RESIDENTS UNLESS THE REQUIRED 48 HOUR NOTICE IS GIVEN FOR TEMPORARY RESTRICTION.

General Notes

OWNER:

CITY OF LINCOLN CITY
801 SW HIGHWAY 101
PO BOX 50
LINCOLN CITY, OREGON 97367

CONTACT: TERRY CHAMBERLAIN, P.E.
PHONE: 541.996.1292

INDEX

REGISTERED PROFESSIONAL ENGINEER
11687
OREGON
JULY 18, 1982
TERRY CHAMBERLAIN
EXPIRES: 12/31/2019

No.	Revision/Issue	Date
	As-Builts	05/2020

LINCOLN CITY PUBLIC WORKS
801 S.W. HWY 101
P.O. BOX 50
LINCOLN CITY, OREGON 97367
PHONE: (541) 996-2154
FAX: (541) 994-4881
www.lincolncity.org

PROJECT INFORMATION

Bard Road
Sanitary Sewer LID

SHEET TITLE:
LID Cover Sheet
DESIGNED BY: DW
DRAFTED BY: DW

IF LESS THAN FULL SIZE, NTS

PROJECT NO. : 16020	SHEET NO. 1 OF 6
DATE : 5/21/2020	
SCALE : AS SHOWN	

FILE LOCATION:S:\Public Works\Engineering Capital Projects\16020 Bard LPS and paving\Design\Bard Sewer LID_Construction As-builts.dwg
PLOT DATE:5/21/2020
16020

EXHIBIT C

LID COST SUMMARY

	Sewer	
Engineering	In-House	
Total Engineering	$0.00	
Total Surveying	$0.00	
Total Construction Cost	**$156,280.44**	
Art Commission (.5% of Construction Cost)	$0.00	*Already allocated
Administration (10% of Engineering + Construction Cost)	$15,628.04	
Total Administration Cost	**$15,628.04**	
LID Total Project Cost (Engineering, Construction and Administrative)	**$171,908.48**	$171,908.48
Number of lots	17	

SYSTEM DEVELOPMENT CHARGES AND ESTIMATED ON-SITE COST

Sewer System Development Charge in 2020	**$4,129.00**
On-Site Improvements (Estimated Average Cost)	
Pump and Control Panel	$5,300.00
Installation of System and Decommission Septic	$6,000.00
Sewer Connection Inspection	$100.00
Total Estimated On-Site Improvements	**$11,400.00**

Exhibit "D" - Benefitted Lots & Cost Estimate

Summary					Multi-Family UNIT ASSESSMENT		Financing
Map & Taxlot	**Address (If Existing)**	**Owner**	**Zone**	**Assessed Value**	***Potential Multifamily Units**	**Multi-Family Sanitary LID Assessment**	**Monthly LID Payment**
							20 years @3.3%
7-11-22-AC-00300	2029 SW Bard Rd	The G. Doyle Daves, Jr. & Pamela G. Daves Revocable Trust	R-M	$123,340.00	4.0	$4,562.51	**$25.99**
7-11-22AC-00400	2026 SW Bard Rd	Drayton, JW & P B Family Trust & Drayton James Trustee	R-M	$79,780.00	6.0	$6,843.76	**$38.99**
7-11-22AC-00500	2120 SW Bard Rd	Drayton James Trustee& Drayton Patricia Trustee	R-M	$123,380.00	24.0	$27,375.06	**$155.97**
7-11-22 AC-00600	2055 SW Bard Rd	Ferschweiler, Ann & Vardell, Marla	R-M	$182,560.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-00700	2117 SW Bard Rd	York, Sidney	R-M	$28,640.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-00800	2133 SW Bard Rd	Downey, Judy	R-M	$95,170.00	1.00	$1,955.00	**$11.14**
7-11-22 AC-01000	2141 SW Bard Rd	Chave, Jason & Angela	R-M	$49,520.00	3.0	$3,421.88	**$19.50**
7-11-22 AC - 01100	-	Haun, David	R-M	$35,870.00	22.0	$25,093.80	**$142.97**
7-11-22 AC-01200	2203 SW Bard Rd	Hartwell, Lewis & Long, Haley	R-M	$156,590.00	11.0	$12,546.90	**$71.48**
7-11-22 AC 01300	**Open Space	Lincoln City	Open Space	$0.00	9.0	$10,265.65	**$58.49**
7-11-22 AC 01400	2216 SW Bard Rd	Thomas, Robert	R-M	$116,220.00	21.0	$23,953.18	**$136.47**
7-11-22 AC-01500	-	Thomas, Robert	R-M	$25,460.00	4.0	$4,562.51	**$25.99**
7-11-22 AC-01601	2257 SW Bard Rd	Chavez, Lydia	R-M	$66,490.00	6.0	$6,843.76	**$38.99**
7-11-22 AC-01600	2311 SW Bard Rd	Sanchez, Henry	R-M	$130,500.00	9.0	$10,265.65	**$58.49**
7-11-22 AC-01800	2314 SW Bard Rd	Saranno Inc, ATTN Daniel J. Gattie	R-M	$122,950.00	5.0	$5,703.14	**$32.49**
7-11-22 AC-01900	-	Langill, Robert & Langill, Kathleen	R-M	$26,860.00	3.0	$3,421.88	**$19.50**
7-11-22 AC-02000	-	Mintz, Marc	R-M	$44,160.00	16.0	$18,250.04	**$103.98**
		TOTALS:			150.0	$171,908.48	
Total LID Cost:		$171,908.48			LID Rate per MultiFamily Unit		
Number of Properties		**17**			**$1,140.63 or base cost* ($1,955.00)**		

*Potential Single Family Homes & Multifamily Unit counts represent the maximum possible density per LCMC, Section 17.20 (R-M Zone) and county tax lot data. This has been used for assessment purposes only, owner to verify with Lincoln City Planning Department for development planning

** Tax lot 07-11-22-AC-012000 is zoned "Open Space", but has been estimated as R-M for LID assessment.

Council Communication

Villages at Cascade Head Renaming

Meeting Date:	July 27, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Should the City Council change the name of the Villages at Cascade Head and the name of The Knoll?

Subcommittee Recommendation:

The Villages Renaming Subcommittee recommends the Council change the name of the Villages to The Villages at Elk Ridge or The Villages at Sitka Woods. The Villages Renaming Subcommittee recommends the Council to not change the name of The Knoll.

Background:

The Villages is the name of a failed development, which the City would like to develop into housing and with a commercial area. Renaming this area would provide for better ability to market it (also recognize that it is located not at Cascade Head but in a different county).

The City Council, at the April 13, 2020 Council meeting, designated a Subcommittee to begin the process of changing the name of the Villages at Cascade Head and the name of The Knoll. A survey was made available to the public to receive input on suggestions for the renaming of both the Villages and The Knoll. The criteria for suggested names was based upon the following:

- Engender a strong positive image
- Have historical cultural or social significance for future generations
- Is descriptive of landscape, significance of location
- Have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the area
- Conjures up an image

The survey produced 55 responses and ran from June 22, 2020 thru July 6, 2020. The Confederated Tribes of Siletz Indians were consulted throughout the renaming process. The Villages Renaming Subcommittee met on July 20, 2020 to review the results of the survey and discuss feedback from the Tribe. Attached, are the public survey results and background information from the Tribe.

Attachments:
The Renaming of the Villages at Cascade Head Survey Results (PDF)
Feedback from the Confederated Tribes of Siletz Indians on the Renaming of the Villages at Cascade Head and The Knoll (002) (PDF)

The Renaming of the Villages at Cascade Head Survey Results
Survey length June 22-July 6

Community Feedback on the Villages at Cascade Head

Elk Ridge- 17
Sitka Woods by the Sea-6
The Villages at Elk Ridge-10
Sitka Woods Villages-4
Villages at Sitka Woods-8
Wecoma Woods-18
Sitka Villages-4
Pacific Villages-2
The Villages at the Sea-2
The Villages-3
Forest and the Sea Villages-1
Sitka Villages at Sea-1

Other write in naming suggestions for The Villages at Cascade Head

Sitka Ridge
Sitka Woods-2
Wecoma Hills
Financial Black Hole Estate
Village Woods
The Villages at Sitka Hills
(Don't develop, leave as wild)
Enchanted Acres
Knoll Village

Community Feedback on The Knoll

Elk Knoll-6
Ocean view Knoll-6
The Knoll (Keep the original name)-24
Seaview Knoll-1

Other write in naming suggestions for The Knoll

Pine Ridge
Sit
Hawker Knoll
Peeping Tom Viewpoint

Feedback from the Confederated Tribes of Siletz Indians on the Renaming of the Villages at Cascade Head and The Knoll

Maybe something simple like “Salmon River Hills” or Salmon River Heights”

We already used Neachesna for our housing across from the Golf Course (Tillamook name for Salmon River) it Technically refers specifically to a place on the Salmon R. which was the main fishery location, but also referred to the river generally, and the Tillamook people who lived there.

We could use a Chinook Jargon name - The development north of Neskowin, (expensive homes on high hills overlooking the ocean) already used Sahalie - or some form/spelling of it - it means (up high/above) -

Moolack is Elk

Mowitch is deer

Ichwhit is bear

Lamatai - borrowed from french, la montagne (I think) - mountain

Originally, those hills were bare, except for grass and wildflowers.... no timber there in the 1850’s and early 1900’s even... must have been kept open with frequent burnings.

All the early reservation maps refer to the area between Salmon River and Devil’s Lake (or “Clear Lake”/“Freshwater Lake” were the earlier references to the lake) - as bare, grassy knolls.

1870’s there was apparently manzanita brush growing around the Salmon River country, but when burning stopped, it must have got quickly shaded out.

Council Communication

Performance Review Process for Employees of the City Council

Meeting Date:	July 27, 2020	Primary Staff Contact:	Abigail Donowho
Department:	Human Resources	E-Mail:	ADonowho@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

To the Honorable Mayor and City Council:

The Council has three employees to evaluate for performance standards each year-the City Manager, City Attorney, and the Judge. The process for each evaluation needs approval in a public meeting prior to administration in executive session. I am seeking the Council's direction for any changes or improvements for each process.

Although each employee's evaluation form is different, including a copy of the employee's job description (if applicable), goals or objectives previously set for the employee, current contract, and most-recent evaluation would be helpful to each evaluator while reviewing the employee.

An additional tool the Council might consider valuable is a self-evaluation and goal/objective status update prior to the Council's evaluation exercise.

Once a process is adopted for each employee, we can set dates to administer evaluations and then bring the information together in an executive session.

Please review the following processes for evaluating Council employees:

1. **City Attorney**-Exhibit A-Format previously used and agreed upon by City Council and Attorney. This form is a combination of summary feedback with number scoring to denote improvement needed, meeting job standards, and exceeding job standards specific to the Attorney's role. City logo and heading have been updated for the 2020 evaluation year. The time span for the evaluation is highlighted on page 4.
2. **City Manager**-Exhibit B-Format previously used by Council. This form is a combination of summary feedback related to City Manager duties, and three check boxes per question to state whether the employee meets/does not meet/exceeds the performance criteria. (Note: There is not a check box for "needs improvement." Some aspects of the job may be in process and require an in-between response option.)
3. **Judge**-Exhibit C-format used in 2018 for Municipal Judge's evaluation. A list precedes

the evaluation describing all information gathering methods to evaluate the Judge. The form is a combination of numerical and comment-based responses to specific questions in each defined category.

Attachments:

Exhibit A-City Attorney Performance Evaluation (PDF)
Exhibit B--City Manager Review (PDF)
Exhibit C-Municipal Judge Evaluation (PDF)

PERFORMANCE EVALUATION 2020--CITY ATTORNEY

City Council Relations

Keeps Council informed of problems, issues, current plans and activities, legislation, governmental practices, etc as they relate to legal issues. Provides timely and effective representation of the City's interests consistent with Council's direction. Staff reports are thorough and timely. Accepts direction or instructions in a positive manner. Effectively aids the Council in establishing and achieving long-range goals. Participates in Council discussions when appropriate and makes recommendations where appropriate, but allows the Council to make policy decisions without exerting undue pressure. Anticipates and advises the Council regarding important foreseeable legal problems, needs and opportunities.

Improvement Needed	Meets Job Standards			Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Community Relations

Personally projects a positive public image. Is courteous to public at all times. Keeps commitments to the public. Seeks to use criticism of self or City in positive ways. Available and visible to citizens as directed by Council. Resolves citizen complaints consistent with Council policy in a timely manner if directed by Council. Open and honest with citizens. Takes a consistent position with different audiences. Engaged and invested in the community.

Improvement Needed	Meets Job Standards			Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Personal Traits

Controls emotions effectively in difficult situations. Is creative in developing practical solutions to problems faced in the course of work. Is flexible in accepting and adjusting to change. Uses common sense. Has positive attitude. Demonstrates personal honesty and frankness in day-to-day relationships. Seeks to improve own skills and knowledge. Completes work in acceptable time periods. Performs work accurately. Opinions, legislation, briefs and other work is of high quality. Has the respect of the legal community.

Improvement Needed	Meets Job Standards			Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Responsibility

Takes initiative to get job done correctly, thoroughly, and within time frames. Perceives new responsibilities and proceeds independently to undertake and/or expand those responsibilities, making sure priorities are consistent with Council direction. . Accepts responsibility for own work. Achieves work assigned by or in conjunction with City Council. Develops effective, efficient legal plans and strategies for Council's goal achievement and policy implementation. Establishes appropriate priorities.

Improvement Needed	Meets Job Standards			Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Communication

Provides City Council with legal activity reports and reports on status of litigation. Written communications are clear, concise and accurate. Oral communications are clear, concise, expressed self effectively. Thorough, concise, articulate and in constant communication with necessary people. Provides clean and timely legal opinions. Responds to inquiries from Council and/or Council members in a timely and understandable manner.

Improvement Needed	Meets Job Standards	Exceeds job standards

1 2 3 4 5

Score:_____
Comments:_____

General Legal Counsel

Works productively with staff to accomplish Council directives. Works in support of City policies and goals. Presents options and advice in a positive fashion and with a practical outlook. Approaches role from a preventative rather than a corrective view of legal services. Provides effective and efficient legal assistance to City Council, Boards and Commissions. Avoids unnecessary litigation through tactful and professional handling of potential claims against the City. Review of ordinances and contracts are accurate and timely. Ordinances and resolutions are prepared in a timely manner. Provides timely, helpful and responsive legal advice during City Council and other meetings. Displays knowledge and understanding of general municipal law.

Improvement Needed		Meets Job Standards		Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Decision Making

Attempts to obtain all available facts prior to giving legal advice. Is objective in providing legal advice. Considers all possible legal alternatives and their consequences before providing recommendations to Council. Ability to reach timely conclusions, and initiate action, without being compulsive. Ability to make suggestions regarding problem solving under strained and unpleasant conditions. Uses common sense, tact, and diplomacy. Ability to use logical and sound judgments in use of resources, determining courses of action, and defining solutions to problems.

Improvement Needed		Meets Job Standards		Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Cooperative Relationships

Provides information to City Manager and Department Heads on routine legal matters. Provides legal advice as needed to Planning Commission and supporting staff. Builds a strong working relationship with the City Manager, Judge, and City Department Heads.

Improvement Needed		Meets Job Standards		Exceeds job standards
1	2	3	4	5

Score:_____
Comments:_____

Evaluation Time Period: February 19, 2018 – February 19, 2020

Date Signed by Evaluator: _____

Printed Name of Evaluator: _____
(Print Name Here)

Signature of Evaluator: _____

This is an average score from all Councilors and their comments.
Score:_____

CITY OF LINCOLN CITY
City Manager Performance Evaluation

City Manager Name

Date of Hire

Date of Evaluation

Date of Last Evaluation

Assisting the Council

This can include: Preparing an orientation program and suitable materials for new Council members, Identifying the needs/priorities of the Council, Committing equal treatment/courtesy/ assistance, providing advice on potential areas of conflict/pecuniary issues, seeking to develop a relationship based on mutual respect, trust and integrity, being responsive to feedback and input received from members of the Council, communicating advice to Council that will assist in governance responsibilities, communicating any issues of concern to Council impacting its relationship to administration, monitoring legal implications of issues; being aware of Council's legal and legislative requirements, ensuring ready access to useful policy-based information, maintaining appropriate boundaries; assuring equal treatment, providing quality control on advice going forward, and ensuring an ongoing degree of open communication with Council presenting reasonable and professional views in a straight-forward yet pleasant manner.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

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Policy Advice & Leadership on the Key Issues

This can include assistance in identifying key issues; offering strategic advice addressing such issues, ensuring both Council and administration are aware of importance of policy development, providing quality advice and guidance to Council on identified issues, coordination and preparation of draft policy statements, strength of administrative leadership as observed in terms of the City Manager's decision making ability (e.g. decisiveness, quality of decisions), advice to Council on importance of strategic planning as a leadership tool; assistance to Council in planning/designing a strategic planning session, implementing approved policy; monitoring policy implications, and review/monitoring of financial controls/audit reports/business plan and budget.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

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Fiscal Management

This can include ensuring the development of a comprehensive, inclusive and transparent process of business planning and budgeting, ensuring that Council provides guidance to the administration in the development of both plans and budgets, providing Council with accurate, comprehensive advice on the current status of the fiscal condition of the Municipality, and advising Council on the status of any changes required by the external auditor, and acting promptly on audit recommendations.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

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_____

Leadership of the Administrative Team

This can include providing ongoing, consistent leadership to department heads and through them to the full administration, communicating effectively and regularly; providing ongoing guidance/ direction, making administrative decisions within constraints of bylaws/policies, providing inspiration and modeling of a desire to be the best, delegating/empowering with reasonable limits, supervising direct reports and expecting results, disciplining behavior and correcting promptly, ensuring sound communications plan, and ensuring that senior staff are involved in the process of developing Municipality goals and priorities; providing a forum for Council and senior staff to engage in discussion relative to the Municipality's strategic plan.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

_____

_____

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_____

_____

Discharge of All Legislative and Bylaw Requirements

This can include determining changes to the organizational structure, continually assessing the needs of the system; seeking advice of senior staff in the process, developing a sound policy-based and cross-organizational approach to recruitment and selection, ensuring a planned approach to training/development, attending suitable conferences/courses as an example, establishing mechanisms for mentoring other supervisory staff and fulfilling all Act and Bylaw requirements.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

Development of Community Relationships

This can include maintaining a positive profile in the City of Lincoln City's jurisdiction as the senior administrative spokesperson and leader, ensuring that Council members and the Mayor have access to sound advice on how to engage the public, maintaining contact with other administrative leaders in the region and with other key administrative leaders throughout the State, developing a positive/constructive rapport with media, and ensuring the development of administrative protocol to develop courteous relationships with the public.

Does Not Meet Job Requirements	Meets Job Requirements	Exceeds Job Requirements
☐	☐	☐

Comments

_____

_____

_____

_____

_____

ANNUAL OBJECTIVES/KEY RESULTS

These should be developed by the City Manager and reviewed with the Mayor and Council.

KEY OBJECTIVES	KEY RESULTS

GOALS ACCOMPLISHED SINCE LAST REVIEW

AREA FOR IMPROVEMENT

_____

_____

_____

_____

_____

_____

DATE

Signature of City Manager _____ [ ]

DATE

Signature of City Mayor _____ [ ]

Municipal Judge Performance Evaluation

These are the recommended sources that you can use to evaluate the performance of the Municipal Judge.

1. Visit court and observe proceedings.

2. Talk to department heads.

3. Refer to the documents provided on number of tickets written for speeding, un-insured motorist, code violations, and low level misdemeanors.

4. Grade the court on evaluation form with a numbered grading system.

5. Have staff expand on the information to include police tickets for speeding, un-insured motorist, code violations, and low level misdemeanors with regard to the number of convictions, fines levied, tickets dismissed and fines collected for each citation.

6. Set Goals and Objectives for the next year, so the City Council has measurable expectations that can be evaluated at the next evaluation.

7. Evaluation shall be done annually or no less than every other year on or about the end of each Fiscal Year.

MUNICIPAL COURT JUDGE PERFORMANCE EVALUATION

INSTRUCTIONS: Place a check mark on the line underneath the number you feel is appropriate for each item. The numerical rating (1 through 5) is an effort to quantify opinions and judgement about specific management responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability. Please use the comment space to record specific comments on each point. Use the back of the form if more space is needed.

A (5) rating represents very satisfactory/excellent performance or behavior; (4) indicates performance or behavior that exceeds standards or is good; (3) is satisfactory; (2) is indicative of performance or behavior that is not satisfactory; (1) represents an area that needs improvement.

Professionalism

	1	2	3	4	5	Comments
a. Projects a professional and positive image						
b. Courteous to public and staff at all times						
c. Controls emotions effectively in difficult situations						

City Council Relationship

		1	2	3	4	5	Comments
a.	Effectively handles City Council concerns						
b.	Keeps City Council informed on issues concerning the court						
c.	Effectively aids the City Council in achieving long range goals						

Communications

		1	2	3	4	5	Comments
a.	Communicates effectively with Police Department						
b.	Oral communications are clear, concise and accurate						
c.	Written Communications are clear, concise and accurate						

Court Administration

		1	2	3	4	5	Comments
a.	Creative in developing practical solutions to problems faced in the course of work						
b.	Seeks to improve own skills and knowledge						
c.	Controls uncollected fines						
d.	Shows consistency in courtroom proceedings						

Based on your overall evaluation of the Municipal Judge, what areas would you list as strong points.

1.

2.

3.

4.

5.

City Council goals and objectives for next evaluation.

1.

2.

3.

4.

5.

Evaluator:_____ Date:_____

Council Communication

West Devils Lake Road Temporary Closure

Meeting Date:	July 27, 2020	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 min

CITY MANAGER TRAFFIC CONTROL ORDER
FOR WEST DEVILS LAKE BRIDGE PROJECT

RECITALS

Pursuant to LCMC 10.08.020.C., the City Manager has authority to issue traffic control orders based upon the delegated authority from LCMC 10.08.010; and

Construction for the West Devils Lake Bridge Project will begin Monday, August 17th. This work will impact traffic and notably the route to the hospital from NE 22nd Street. The Contractor, (HP Civil) has provided a detailed schedule and it working in earnest to adhere to the schedule as presented; and

Replacing the bridge will require a 21-day closure of the road and a flagging restriction 14 days prior to the closure. Beginning Monday, August 17th the contractor will be restricting one lane and using flaggers. Beginning Monday, August 31st through September, 21st, both lanes will be closed and detours will be necessary; and

Public Works staff plans to implement the following notifications:

- Contact the hospital and ambulance services personally and discuss alternative routes and other concerns
- Mail notices to property owners who are directly affected
- Submit a press release
- Place notice on the City's home page; and

Notice of the proposed Traffic Control order has been posted near the proposed closure at least five days prior to this Order's issuance.

This Order shall be posted on the City website triggering the ten day appeal period.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY GRANTED IN LINCOLN CITY MUNICIPAL CODE, CHAPTER 10.08.020.C. AND D., THE CITY MANAGER OF THE CITY OF LINCOLN CITY DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. ORDER IMPOSING TRAFFIC CONTROL / ROAD CLOSURE FOR WEST DEVILS LAKE BRIDGE PROJECT. The City Manager imposes the following traffic control order:

Beginning Monday, August 17, 2020, the contractor will be restricting one lane and using flaggers.

Beginning Monday, August 31, 2020 through September 21, 2020 both lanes will be closed and detours will be necessary.

SECTION 4. EFFECTIVE DATE. This Order is effective immediately, unless appealed pursuant to LCMC 10.08.020.

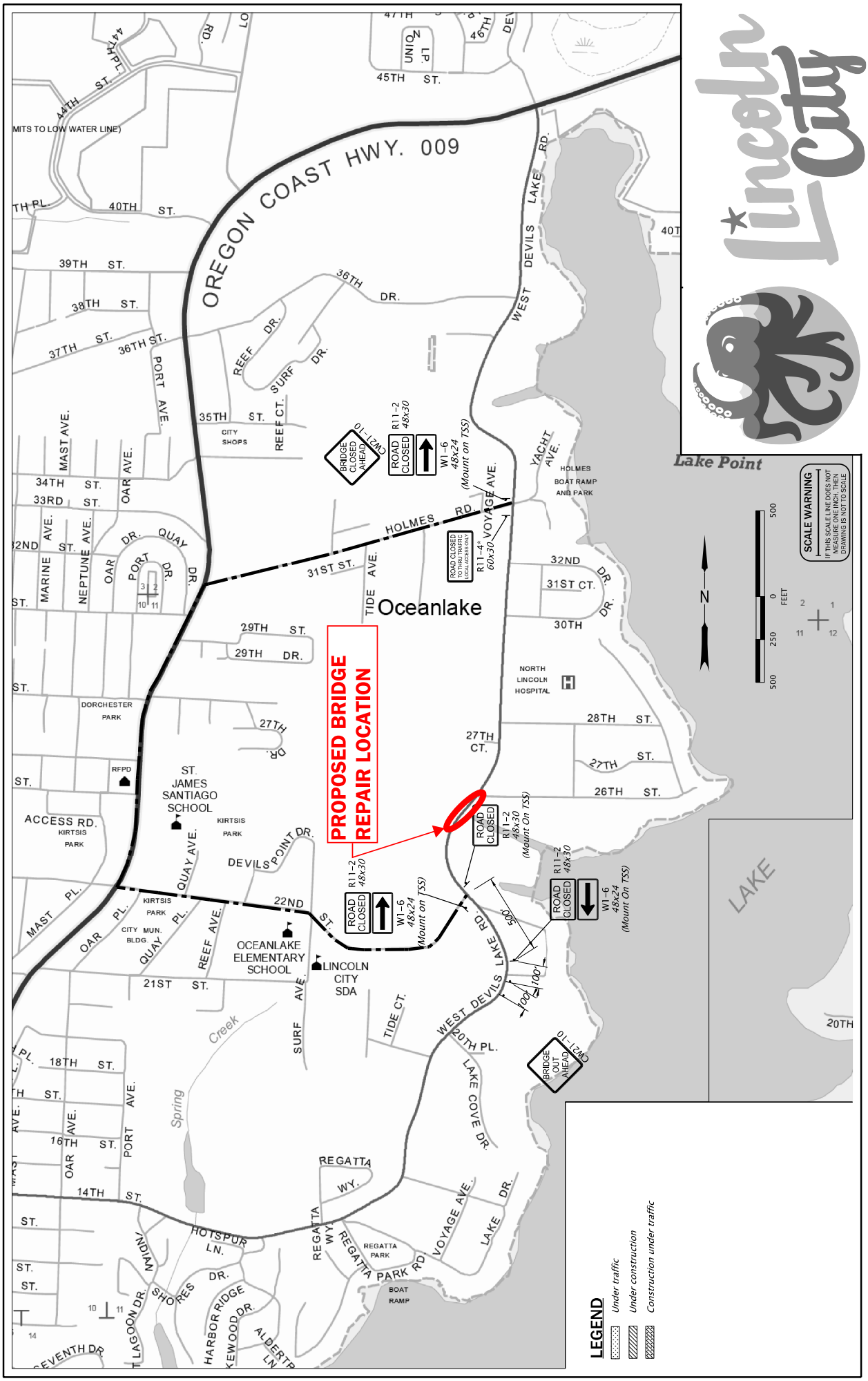
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RONALD CHANLDLER, CITY MANAGER

Exhibit A

Map of traffic control

Attachments:
WDLR BRIDGE MEMO MAP (PDF)


OREGON COAST HWY. 009
PROPOSED BRIDGE REPAIR LOCATION
Oceanlake
Lake Point
LAKE
Creek
Spring
ROAD CLOSED
R11-2 48x30
W1-6 48x24 (Mount on TSS)
BRIDGE CLOSED AHEAD
CW21-10
ROAD CLOSED TO THRU TRAFFIC
R11-4 60x30
BRIDGE OUT AHEAD
SCALE WARNING
IF THIS SCALE LINE DOES NOT MEASURE 500 FEET THE DRAWING IS NOT TO SCALE
N
FEET
LEGEND
Under traffic
Under construction
Construction under traffic

Council Communication

COVID-19 Update

Meeting Date:	July 27, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

COVID-19 Update 7/23/2020

1. As of July 22, 2020
   State COVID-19 Cases = 15,393
   State COVID-19 Deaths = 271
   County COVID-19 Cases = 373
   County COVID-19 Deaths = 8

2. County COVID Negative Test to date = 6,255

3. County Individuals Hospitalized during Illness = 13

4. County Individuals that have recovered from COVID-19 = 23

5. Known COVID-19 cases in Lincoln City to date = 20

6. Lincoln City currently has sufficient stocks of PPE

7. Governor Kate Brown Announces New Requirements for Face Coverings and Businesses to Stop Spread of COVID-19

   In light of the continued spread of COVID-19 in Oregon—including a troubling rise in cases of community spread that cannot be traced and contained—Governor Kate Brown on July 22, 2020 announced new statewide health and safety measures, including new requirements for face coverings and businesses, effective Friday, July 24. Unless the spread of COVID-19 begins to slow, the Governor made clear that additional restrictions would be necessary.

   “Oregon, we ventured out onto the ice together and that ice has begun to crack. Before we fall through the ice, we need to take steps to protect ourselves and our community,” said Governor Kate Brown. “So it’s time for further actions to slow the spread of this disease. Keep in mind, this is not an on or off switch. This disease is something that, for the time being, we must live with. However, when we see numbers rise, we must respond in turn. We must dim the lights. We must scale back, limit our interactions, and take more precautions.”

Beginning July 24, the following new requirements will apply:

Face Coverings
• Face coverings will be required for all Oregonians ages five and up in indoor public spaces and outdoors when six feet of distance cannot be maintained.
• Face coverings will be required even in cases of physical exertion indoors, and outdoors when six feet of distance cannot be maintained.

Businesses
• The maximum indoor capacity limit is capped at 100 for all venues in Phase II counties and for restaurants and bars in Phase I or II counties.
• Restaurants and bars will be required to stop serving customers at 10:00 P.M statewide.

The Governor also briefly discussed that she was in conversations with other Governor's about potential travel restrictions, no further information given.

The Governor also briefly discussed that she was going to have more conversations about the current list of Counties on the watch list next week.