



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 30, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 15, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Richard Townsend, City of Lincoln City

<paa> ya

PROF

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP

DEPT OF

JUN 25 2008

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Lincoln City Local file number: ZOA 01-08
 Date of Adoption: June 9, 2008 Date Mailed: June 24, 2008
 Date original Notice of Proposed Amendment was mailed to DLCD: 01/31/08

- | | |
|---|---|
| ☐ Comprehensive Plan Text Amendment | ☐ Comprehensive Plan Map Amendment |
| ☒ Land Use Regulation Amendment | ☐ Zoning Map Amendment |
| ☐ New Land Use Regulation | ☐ Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Section 17.32.020 of the Municipal Code
to delete "mini-warehouses" as a permitted use,
in the G-C General Commercial zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
 If you did not give Notice for the Proposed Amendment, write "N/A".

Amended so that existing developments are
still permitted, may expand, and do not
become non-conforming. Mini-warehouses
are prohibited in the G-C zone in all
other circumstances.

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 002-08 (16671)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Richard Townsend Phone: (541) 996-2153 Extension: _____
Address: PO Box 50 City: Lincoln City
Zip Code + 4: 97367 Email Address: rtown@lincolncity.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

A. The amendment of the Zoning Ordinance to remove “Mini-warehouses” from the list of permitted uses in the General Commercial zone is in conformance with the Statewide Planning Goals for the following reasons:

- (1) Goal 1: “Citizen Involvement” - All proposed documents were made available for public review and purchase and assistance was available to interpret and explain the technical information. All affected property owners were noticed regarding the public hearings on the amendment, including Measure 56 notice, and hearing notices were published in local papers in accordance with notice requirements. Therefore, the amendments are consistent with Goal 1.
- (2) Goal 2: “Land Use Planning” - This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.
- (3) Goal 3: “Agricultural Lands” - The areas affected by the amendment are located within the City’s Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the amendment. Therefore, Goal 3 is not applicable.
- (4) Goal 4: “Forest Lands” - The areas affected by the amendment is located within the City’s Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: “Open Spaces, Scenic and Historic Areas and Natural Resources” - The areas affected by the amendment are located within the City’s Urban Growth

- 1 Boundary. The application of the amendment is limited to lands zoned for
2 General Commercial use. They do not include any areas currently zoned Open
3 Space or Park. They do include the one property listed on the National Register
4 of Historic Places, the Dorchester House, but the amendment does not by itself
5 authorize any development inconsistent with its historic designation. The areas
6 subject to the amendment do not include any sites designated as significant
7 aesthetic resources. The amendment will not affect any such areas. Therefore,
8 the amendment is consistent with Goal 5.
9
- 10 (6) Goal 6: "Air, Water and Land Resources Quality" - The amendment will not
11 serve to increase the waste and process discharges already being generated within
12 the affected areas. Such discharges include solid waste, thermal, noise,
13 atmospheric or water pollutants, contaminants or products therefrom. Therefore
14 the amendment is consistent with Goal 6.
15
- 16 (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" - The areas affected by
17 the amendment include some identified Natural Hazards areas. The city already
18 has acknowledged ordinance standards relating to development in these areas, and
19 the amendment does not authorize any development inconsistent with these
20 natural hazard standards. Therefore the amendment is consistent with Goal 7.
21
- 22 (8) Goal 8: "Recreational Needs" - The areas affected by the amendment do not
23 include any areas zoned for open space or park use, nor does it of itself authorize
24 any development inconsistent with the recreational needs of the community,
25 region, or state. Therefore, the amendment is consistent with Goal 8.
26
- 27 (9) Goal 9: "Economic Development" - The amendment does not affect the
28 availability of land suitable for industrial and commercial development. Instead it
29 provides for orderly development of commercial lands in a manner that is
30 intended to promote a more attractive community and thereby enhance the appeal
31 of the community as a place for economic activity. It does not relate to lands
32 zoned for industrial development. Therefore, the amendment is consistent with
33 Goal 9.
34
- 35 (10) Goal 10: "Housing" - The amendment do not affect residential development
36 other than residential uses in mixed-use structures. By itself the amendment does
37 not affect the availability of housing. By helping to improve the visual
38 appearance of structures and sites used for mixed-use development the
39 amendment will help to enhance the quality of the housing stock in Lincoln City.
40 Therefore, the amendment is consistent with Goal 10.
41
- 42 (11) Goal 11: "Public Facilities and Services" - Existing City water and sewer
43 infrastructure and treatment facilities will not be affected by the amendment, nor
44 will their ability to serve surrounding properties be affected. Therefore, the
45 amendment is consistent with Goal 11.
46

- 1 (12) Goal 12: "Transportation" - The amendment is consistent with the City's
2 *Comprehensive Plan* and *Transportation Master Plan*. Therefore, the amendment
3 is consistent with Goal 12.
4
- 5 (13) Goal 13: "Energy Conservation" - The land use patterns and development allowed
6 in association with the amendment promote walkability and therefore would have
7 a positive effect on Energy Conservation. Therefore, the amendment is consistent
8 with Goal 13.
9
- 10 (14) Goal 14: "Urbanization" - The proposed amendment, through improving the
11 aesthetic quality of the city, serve to promote the livability of Lincoln City,
12 thereby reducing the need to expand the Urban Grown Boundary. Proposed
13 densities of surrounding properties will not be changed. Therefore, the
14 amendments are consistent with Goal 14.
15
- 16 (15) Goal 15: "Willamette River Greenway" - The affected areas are not located within
17 the Willamette River Greenway. Therefore, Goal 15 is not applicable.
18
- 19 (16) Goal 16: "Estuarine Resources" - The affected areas of the amendment include
20 some areas adjacent to a designated estuarine resource. However, the
21 amendment, by themselves, do not authorize any development, and in fact by
22 improving the aesthetic quality of development otherwise authorized by the
23 acknowledged comprehensive plan and zoning ordinance, will help to enhance the
24 surroundings of estuarine resources. Therefore, the amendments are consistent
25 with Goal 16.
26
- 27 (17) Goal 17: "Coastal Shorelands" - The city's coastal shorelands include all land
28 west of Highway 101, land within 500 feet of the ordinary high-water elevation of
29 Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean
30 higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay
31 estuaries. These coastal shorelands include some areas of General Commercial
32 zoning, and also include areas that have been designated as significant aesthetic
33 resources. By helping to improve the aesthetic quality of commercial
34 development, the amendment will improve the aesthetic character of the coastal
35 shorelands in general and the significant aesthetic resources specifically.
36 Therefore the amendment is consistent with Goal 17.
37
- 38 (18) Goal 18: "Beaches & Dunes" - The affected areas of the amendment are not
39 located within a beach or active dune area. Therefore, Goal 18 is not applicable.
40
- 41 (19) Goal 19: "Ocean Resources" - Because the affected areas of the amendment are
42 solely on the dry land areas of the city, and because the amendment will not by
43 itself authorize any development, the amendment will not affect the nearshore
44 ocean and continental shelf. Therefore, the amendment is consistent with Goal
45 19.
46

1 B. The amendment is in conformance with the Lincoln City Comprehensive Plan
2 goals for the following reasons:
3
4 (1) Planning Goal
5
6 *"To establish a land use planning process and policy framework as a*
7 *basis for all decisions and actions related to use of land and to assure an*
8 *adequate factual base for such decisions and actions."*
9
10 The Lincoln City Comprehensive Plan and its implementation measure, the
11 Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City
12 after public hearing and has been reviewed on a periodic cycle to take into
13 account changing public policies and circumstances. Opportunities were provided
14 for review and comment by citizens and affected governmental units during
15 preparation, review, and revision of the plan and implementing ordinances.
16 Review of this amendment in accordance with the Lincoln City Comprehensive
17 Plan and the applicable zoning ordinance provisions, establishes conformance
18 with this goal.
19
20 (2) Citizen Involvement Goal
21
22 *"Develop a Citizen Involvement Program which ensures the continued*
23 *participation of citizens in the land use planning process."*
24
25 The City has developed a Citizen Involvement Program. In addition, the public
26 hearing process, with notice to the public and property owners and review of the
27 amendment by the Planning Commission (a citizen board), and the City Council
28 (a citizen board) establishes conformance with this goal.
29
30 (3) Public Services and Utilities Goal
31
32 *"To plan and develop a timely, orderly, and efficient arrangement of*
33 *public facility and services which compliment the area and serve as a*
34 *framework for urban and rural development."*
35
36 Public services and utilities generally already are in place in the areas affected by
37 the amendment. The proposed amendment will not adversely affect the
38 availability or arrangement of public services and utilities. The goal is satisfied.
39
40 (4) Urbanization Goal
41
42 *"To promote an orderly and efficient transition of land uses from rural to*
43 *urban."*
44
45 The amendment, because it does not change the total list of allowed uses in the
46 city (mini-warehouses will continue to be allowed in the Planned Industrial zone),

1 will not increase the need to expand the Urban Growth Boundary. Proposed
2 densities of surrounding properties will not be changed. This goal is satisfied.
3
4 (5) Natural Hazard Goal
5
6 *"The City shall control development in hazardous areas to protect life and*
7 *property from natural disasters and hazards."*
8
9 The areas affected by the amendment include some identified Natural Hazards
10 areas. The city already has acknowledged ordinance standards relating to
11 development in these areas, and the amendment does not authorize any
12 development inconsistent with these natural hazard standards. This goal is
13 satisfied.
14
15 (6) Housing Goal
16
17 *"To provide for the housing needs of all citizens."*
18
19 Because the amendment is not related to housing and does not increase or
20 decrease the amount of land available for housing it will not affect the availability
21 of adequate numbers of needed housing units at price ranges and rent levels
22 commensurate with the local area. Therefore, they are consistent with the housing
23 goal.
24
25 (7) Economy Goal
26
27 *"To support the tourist industry and achieve a degree of diversity in the*
28 *community which will allow a balanced economy that will, in turn,*
29 *support an adequate level of services for all members of the area."*
30
31 The amendment provides for orderly development of commercial lands in a
32 manner that is intended to promote a more attractive community and thereby
33 enhance the appeal of the community as a place for economic activity,
34 particularly with respect to making the community attractive to tourists. The
35 amendment, therefore, meets the goal.
36
37 (8) Aesthetic Goal
38
39 *"To develop a livable and pleasing city which enhances man's activities*
40 *while protecting the exceptional aesthetic quality of the area."*
41
42 The point of the amendment is to carry out this goal. This goal is satisfied.
43
44 (9) Transportation Goal
45
46 *"To provide a safe, convenient and rapid transportation network to*
47 *facilitate the movement of goods and people."*

1
2 The amendment does not, of itself, create any additional transportation impacts on
3 the existing transportation system. Therefore, this goal is satisfied.
4
5 (10) Energy Goal
6
7 *"To conserve energy."*
8
9 The proposed amendment will not have any adverse effects on the energy goal.
10 Therefore, the goal is satisfied.
11
12 (11) Overall Environmental Goal
13
14 *"To achieve a balance between the need to provide housing and services*
15 *and the need to protect and enhance the natural environment of the city."*
16
17 The amendment will not, of itself, have any adverse effects on the natural
18 environment. It does not add to or delete from the city-wide list of allowed uses.
19 This goal is satisfied.
20
21 (12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal
22
23 *"To conserve, protect, and enhance the coastal resources of the city."*
24
25 The city's coastal shorelands include all land west of Highway 101, land within
26 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and
27 land within 1,000 feet of the shoreline mean higher-high-water elevation of
28 Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands
29 include some areas of General Commercial zoning, and also include areas that
30 have been designated as significant aesthetic resources. By helping to improve
31 the aesthetic quality of commercial development, the amendment will improve the
32 aesthetic character of the coastal shorelands in general and the significant
33 aesthetic resources specifically. Therefore the amendment is consistent with this
34 goal.
35
36 C. The amendment is in conformance with the Zoning Ordinance, including, but not
37 limited to, required initiation, processing and noticing requirements.
38
39 D. The Planning Commission, on March 18, 2008 considered the Zoning Ordinance
40 amendment contained within this ordinance. The Planning Commission voted to
41 transmit the amendment to the City Council with a recommendation that it be
42 adopted.
43
44 E. The City duly notified the Oregon Department of Land Conservation and
45 Development of its consideration of the proposed amendment.
46

1 F. The City Council held a public hearing on March 24, 2008 during which the
2 Council considered the proposed amendment transmitted by the Planning
3 Commission.
4

5 **Section 2.** Section 17.32.020 of the Lincoln City Municipal Code is amended to read as
6 follows:
7

8 In the GC zone, the following are given as examples of those uses that meet the
9 intent of this zone:
10

- 11 1. Convenience service/retail use.
 - 12 2. Eating and drinking establishments, excluding drive-in restaurants.
 - 13 3. Carpet, rug, fabric and interior decorating shops including re-
14 upholstering, making of draperies and other similar articles which are
15 conducted as part of, and secondary to a retail sales operation.
 - 16 4. Sporting goods stores.
 - 17 5. Motels and resorts.
 - 18 6. Building supply stores.
 - 19 7. Public facilities.
 - 20 8. Garden supplies and nursery.
 - 21 9. Community meeting buildings, fraternal or social organizations.
 - 22 10. Automotive parts and accessories.
 - 23 11. Printing.
 - 24 12. Carpenter, plumbing, cabinet, upholstering and sheet metal shops, if
25 conducted wholly within an enclosed building.
 - 26 13. Appliance sales and service.
 - 27 14. Single-family dwellings, if developed under the standards in the R-1 zone.
 - 28 15. Mini-warehouses, if existing on or if site plan approval was applied for
29 before June 9, 2008. Mini-warehouses in existence on or applied for
30 before June 9, 2008 may be expanded within the boundaries of the lot or
31 lots they occupied as of that date, subject to the standards applicable as of
32 the date of application for expansion.
 - 33 16. Time-share units, when developed under the standards of Section 3.060(4).
 - 34 17. Bed and Breakfast Accommodations.
 - 35 18. Professional and business offices.
 - 36 19. Art gallery and studio.
 - 37 20. Physical therapy.
 - 38 21. Equipment rental establishments.
 - 39 22. Physical fitness center.
 - 40 23. Manufactured homes when developed in accordance with the standards
41 specified in Section 17.52.250 and Section 17.52.090.
 - 42 24. Veterinary clinic.
- 43
44

45 **Section 3.** In the event that any provision of this ordinance is determined by a court of
46 competent jurisdiction to be invalid or unenforceable, such invalid provision shall be
47 severed and the remaining provisions of the ordinance that have not been held invalid or

1 unenforceable shall continue to be valid and enforceable to the fullest extent permitted by
2 law.
3

4 PASSED AND ADOPTED by the City Council of the City of Lincoln City this

5 9th day of June, 2008.
6
7

8 Lori Hollingsworth
9 LORI HOLLINGSWORTH, MAYOR
10 ATTEST:

11
12
13 Cathy Steere, CMC
14 CATHY STEERE, CITY RECORDER
15
16

PLANNING & COMMUNITY DEVELOPMENT
CITY OF LINCOLN CITY
PO Box 50
LINCOLN CITY, OR 97367



**Attn: Plan Amendment Specialist
Dept. of Land Conservation/Dev.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540**