



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: September 23, 2015

Jurisdiction: City of Lincoln City

Local file no.: CPA & ZC 2015-03

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/22/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-15 {23836}

Received: 9/22/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Lincoln City

Local file no.: **CPA & ZC 2015-03**

Date of adoption: 08/24/2015

Date sent: 9/22/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 06/16/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Richard Townsend, Planning Director

Phone: 541-996-1227

E-mail: rtown@lincolncity.org

Street address: 801 SW Highway 101

City: Lincoln City

Zip: 97367-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from RM	to VR	6.4 acres.	A goal exception was required for this change.
Change from R-5	to VR	0.6 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): various - see ordinance

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from RM	to VR	Acres: 6.4
Change from R-1-5	to VR	Acres: 0.6
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 2015-09

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM THE HIGH DENSITY RESIDENTIAL (R-M) AND SINGLE-FAMILY RESIDENTIAL (R-5) DISTRICT TO THE VACATION RENTAL (VR) DISTRICT AND AMENDING THE ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM THE MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE AND THE SINGLE-FAMILY RESIDENTIAL (R-1-5) ZONE TO THE VACATION RENTAL (VR) ZONE FOR APPROXIMATELY 7 ACRES OF LAND EAST OF SW COAST AVENUE AND SOUTH OF SW BARD ROAD

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

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 Planning Commission held a duly-noticed public hearing on amendment of the City's Comprehensive Plan Map and Zoning Map (adopted by Ordinance No. 84-01, as amended) on July 7, 2015, with deliberations held on July 21, 2015, and recommended that the subject properties be rezoned; and

WHEREAS, the Oregon Department of Land Conservation and Development was notified of the proposed amendment on June 3, 2015; and

1
2 **WHEREAS**, The City Council held a duly-noticed public hearing on amendment of the
3 Comprehensive Plan Map and Zoning Map on July 27, 2015; and
4

5 **WHEREAS**, the proposed Comprehensive Plan Map and Zoning Map amendments
6 conform to and are consistent with the City's *Comprehensive Plan Policies*, the Statewide
7 Planning Goals, and the VR Zone criteria for the reasons set forth in Exhibit "A,"
8

9 **NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**
10

11 **SECTION 1.** The Comprehensive Plan Map of Lincoln City is hereby amended to change
12 the Comprehensive Plan Map designation on the 32 parcels listed in attached Exhibit "B"
13 and depicted on the map in attached Exhibit "C".
14

15 **SECTION 2.** The Zoning Map of Lincoln City is hereby amended to change the zoning
16 designation on the 32 parcels listed in attached Exhibit "B" and as depicted on the map
17 in attached Exhibit "C".
18

19 **SECTION 3. Findings Adopted.** The findings contained in the Whereas Clauses of this
20 ordinance, as well as the competent substantial evidence in the whole record of this
21 legislative proceeding are incorporated into this section by reference as if fully set forth
22 herein, and are adopted in support of this legislative action.
23

24 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this
25 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause
26 shall not affect the validity of the remaining sections, subsections, paragraphs and
27 clauses.
28

29 **SECTION 5. Savings.** Notwithstanding the amendment to this Title; the existing Title
30 remains valid and in full force and effect for purposes of all criminal, civil or
31 administrative code enforcement cases or applications filed or commenced during the
32 time said ordinances were operative. Nothing in this Ordinance affects the validity of
33 prosecutions commenced and continued under the laws in effect at the time the matters
34 were originally filed.
35

36 **SECTION 6. Effective Date.** This ordinance shall be in full force and effect 30 days
37 after its adoption.
38

39 **SECTION 7. Codification.** Provisions of this Ordinance shall be incorporated in the City
40 of Lincoln City Municipal Code and the word "ordinance" may be changed to "code".

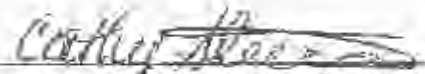
1 "article", "section", "chapter" or another word, and the sections of this Ordinance may be
2 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate
3 provisions (i.e. Sections 3-7) need not be codified and the City Recorder is authorized to
4 correct any cross-references and any typographical errors.

5
6 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
7 Section 9.2 of the City of Lincoln City Charter on August 10, 2015 (First Reading) and on
8 August 24, 2015 (Second Reading).

9
10 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 24th day of
11 August 2015.

12
13
14 
15 ROGER SPRAGUE, COUNCIL PRESIDENT

16 ATTEST:

17
18 
19 CATHY STEELE, CITY RECORDER
20
21

22 APPROVED AS TO FORM:

23
24 
25 RICHARD APPICELLO, CITY ATTORNEY
26
27
28

ORDINANCE 2015-09

EXHIBIT A

FINDINGS

A. Lincoln City Comprehensive Plan Goals

1. Land Use Planning Goal

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

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The City of Lincoln City's Comprehensive Plan and implementing land development regulations (including Zoning Title 17) have been acknowledged by the Land Conservation and Development Commission as complying with the Statewide Planning Goals. Review of these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.88 establishes conformance with this goal.

The Comprehensive Plan Land Use Planning element identifies Zoning as the most common method of land use regulation and control. The plan states:

Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development.

Therefore, zoning asks if there is enough land devoted to a specific use and is it in the correct location. The proposed map amendment would convert an area largely zoned R-M for multiple-family development (plus a small area zoned R-1 for single-family residences) to a new zone that differs from the R-1 zone only by allowing vacation rental dwellings (VRDs) to operate without the R-1 zone's accessory use limitation.

The existing Zoning Code states that vacation rentals are permitted uses in commercial zones (including mixed use) and accessory uses in residential zones. Therefore there is already a large amount of land available for this use (although it is limited in residential

1 zones). The proposed map amendments adjust the limitation in the residential zones in
2 response to the increasing popularity of VRDs as demonstrated by the growth in the
3 number of VRDs over the last several years. In the present instance the map
4 amendments would focus VRDs near attractions such as the beach, restaurants, and the
5 Olivia Beach development, and near lands zoned for commercial use, making the VR
6 zone a transition area between the more purely commercial zones and the more purely
7 residential zones. Accordingly, the proposed map amendments are consistent with the
8 purposes of the plan in properly situating uses in relation to each other.

9 10 **2. Citizen Involvement Goal**

11
12 *"Develop a Citizen Involvement Program which ensures the continued*
13 *participation of citizens in the land use planning process."*

14
15 The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen
16 Involvement Program (CIP) which ensures the continued participation of citizens in the
17 land use planning process." The City has developed a Citizen Involvement Program
18 through Resolution 94-33. The public hearing process for the proposed map
19 amendments included mailed, published, and internet posted notice to the public and
20 property owners, and review of proposals by the Planning Commission and the City
21 Council, consistent with the Plan, Goal and Resolution.

22
23 Among the policies under the City's Citizen Involvement Program goal is one that says
24 "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity
25 for citizens to attend public meetings." The Planning Commission and City Council
26 meetings are publicized widely with hearing notices mailed to property owners in the
27 affected area, and published in The News Guard weekly newspaper and on the City's
28 website. The City holds public hearings in the evening in order to encourage public
29 attendance. Moreover, for those unable to attend in person, the meetings are televised
30 live and rebroadcast on cable television and are streamed live over the internet. Video of
31 meetings and packet materials is also available on the City's website for review, free of
32 charge. This constitutes a more than reasonable effort to encourage citizens to attend
33 public meetings.

34
35 Additionally the City Council established a VRD consensus committee staffed by a
36 neutral convener. The committee came up with recommendations which the Planning
37 Commission and City Council considered at earlier hearings. The committee
38 recommended inclusion of the subject properties in an area allowing VRDs as a
39 permitted use.

3. Public Services and Utilities Goal

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

Public services and utilities are already in place in the area affected by the proposed map amendments. The area currently is being served by public services and utilities as follows:

- a. Pacific Power provides electric power;
- b. The City of Lincoln City provides water service;
- c. The City of Lincoln City provides sanitary sewer service;
- d. NW Natural provides natural gas service;
- e. Various providers provide land line and cellular telephone service

This goal is satisfied.

4. Urbanization Goal

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

The area affected by the proposed map amendments all is within the urban growth boundary and the city limits. All of it is already urbanized. This goal is met.

5. Natural Hazard Goal

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

The area of the proposed map amendments is not subject to identified natural hazards. The city has provisions in place that control development in hazardous areas through such things as requirements for compliance with federal floodplain development regulations and geotechnical engineering review. These provisions will ensure appropriate review if any unknown hazards are discovered. This goal is met.

6. Housing Goal

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

The proposed rezoning ordinance would convert part of an area largely zoned R-M (but already subdivided for single-family development) plus a small area zoned R-1 for single family residences to the new VR zone. The VR zone allows exactly the same uses as the

1 R-1 single-family zone, with the exception of allowing VRDs as a principal use rather
2 than as an accessory use. Since the use of a dwelling as a full-time VRD is considered to
3 be a commercial use, the proposed ordinance could result in the conversion of some
4 land currently zoned for residential use to commercial use. However, all the land
5 proposed for rezoning to the VR zone will continue to be available for residential
6 development since residential use will be a permitted outright use, just as it is in the R-1
7 zone.

8
9 The city performed a buildable lands inventory in 2006. One of the conclusions of that
10 study was that there was a sufficient supply of residential land in the city. Since that time
11 the city has rezoned substantial areas zoned for residential development into the open
12 space zone, rendering it unavailable for residential development. But much of the open
13 space area was considered unsuitable for development due to steep slopes and the
14 presence of significant wetlands, and therefore was not counted in the 2006 land
15 inventory. And also since that time the city has increased the opportunities for housing
16 development by expanding the areas where mixed uses (residential and commercial) are
17 allowed. More recently the city adopted an ordinance allowing accessory dwelling units
18 and another allowing cottage clusters. These have allowed residential development at
19 greater densities than formerly allowed, conserving and expanding the supply of
20 residential land. The small number of properties subject to this application will still be
21 available for residential development, and if converted to full time VRD use will not
22 substantially affect the availability of residential land.

23
24 The creation of the VR zone was intended in part to allow the city to draw a line
25 between areas of the city where VRDs are allowed only as an accessory use (i.e. the R-1
26 zone) and other areas of the city. This is done in order to protect and stabilize existing
27 residential areas from incompatible development (in this case, commercial VRDs). This
28 is in direct accord with the comprehensive plan's policies in that regard.

29 30 **7. Economy Goal**

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

34
35 The Comprehensive Plan states that Lincoln City's primary industry is tourism and
36 concludes that tourism will continue to function as the city's basic industry. VRDs are
37 tourist accommodations and are important contributors to the city's tourist economy.
38 The use of homes as vacation rentals has economic value to the city and the city as a
39 whole benefits from economic activity by tourists. By establishing an additional area

1 where VRDs are allowed as the primary or principal use of a property the proposed
2 rezoning would provide more opportunities for lawful tourist accommodations, thereby
3 supporting the tourist economy of the city. This goal is met.
4

5 **8. Aesthetic Goal**

6 *"To develop a livable and pleasing city which enhances man's activities*
7 *while protecting the exceptional aesthetic quality of the area."*
8

9 The proposed ordinance does not itself alter the aesthetic character of the areas it
10 would rezone from R-M and R-1 to VR. To extent the R-1 zone (the development
11 standards of which single-family development in the R-M zone is subject) addresses
12 aesthetics the VR zone is identical (e.g. in terms of required yard setbacks and required
13 design features). Moreover, the municipal code, in other sections, addresses such
14 aesthetic matters for VRDs as landscaping, helping to protect the aesthetic quality of
15 areas in which they are allowed. Since the existing zoning ordinance has been found to
16 be consistent with the comprehensive plan, including this goal, this goal is satisfied.
17

18 **9. Transportation Goal**

19 *"To provide a safe, convenient and rapid transportation network to facilitate*
20 *the movement of goods and people."*
21

22 The VR zone does not allow development at a density greater than that already allowed
23 by the existing R-M and R-1 zone. Thus there will not be more intensive development
24 as a result of the rezoning, and accordingly the city's transportation system should not
25 be adversely affected. Moreover, since the area proposed for VR zoning are close to
26 attractions and commercial facilities it is likely that visitors staying in VRDs allowed will
27 tend to take relatively short trips and likely they will take many trips as pedestrians.
28

29 The VR zone contains locational criteria requiring the full complement of public facilities
30 and services in order for the zone to be applied. The areas proposed for VR zoning in
31 this ordinance do have the full complement of public facilities, including public streets.
32 Limitations on the size and occupancy of VRDs found in the building and housing codes
33 the city has adopted help to put a cap on the impacts of VRDs on public facilities,
34 including transportation facilities. Additionally, the area proposed for rezoning to the
35 VR zone is centered on SW Bard Avenue, which is a collector, and SW Coast Avenue,
36 which while not officially designated as a collector, serves as one and draws traffic off of
37 the other neighborhood streets. This will reduce the traffic impacts to the remaining R-1
38 areas. This goal is satisfied.
39

1 **10. Energy Goal**

2
3 *"To conserve energy."*
4

5 The VR zone contains locational criteria that would be applied by the proposed
6 rezoning, placing tourists in close proximity to recreational opportunities and
7 attractions. By directing tourists to such areas and authorizing additional VRD usage
8 (above the existing limited residential authorization), energy savings can be realized.
9 This savings is based on the notion that the length of vehicle trips to daily goods,
10 services and attractions would be reduced, and even eliminated by walking, if tourists
11 were located closer to those destinations and services. Therefore, the goal is satisfied.
12

13 **11. Overall Environmental Goal**

14
15 *"To achieve a balance between the need to provide housing and services and the*
16 *need to protect and enhance the natural environment of the city."*
17

18 The proposed rezoning does not by itself authorize any development that is not already
19 allowed. The area proposed for VR zoning already is fully urbanized. The City compiled
20 an inventory of natural resources, including wetlands, riparian areas, fish and wildlife
21 habitat, and aesthetic and scenic areas. Resources deemed to be significant were
22 evaluated to determine whether, and to what extent, to allow conflicting uses. The City
23 adopted a protection program, the Natural Resources Overlay, which balances
24 protection and land use. These protections will apply in the VR zone exactly as they do
25 now in the R-1- zone. This goal is satisfied.
26

27 **12. Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal**

28
29 *"To conserve, protect, and enhance the coastal resources of the city."*
30

31 The area proposed for rezoning to the VR zone is within the city's coastal shorelands,
32 which include, among other areas, all land west of Highway 101. These coastal
33 shorelands include some areas of residential zoning, and also include areas that have
34 been designated as significant aesthetic resources. The proposed VR zoning does not
35 by itself authorize any changes in development in the coastal shorelands area since it
36 relates only to development already allowed under the zoning ordinance. The VR zone
37 does not alter any of the existing and acknowledged protective measures for the above-
38 referenced resources. Therefore the VRD amendments are consistent with this goal.
39
40

B. Statewide Planning Goals

1. Goal 1 – “Citizen Involvement” The subject application was made available at no cost on the City’s website and also was available for public review and purchase at the counter. Assistance was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements. Mailed notices were sent to impacted property owners pursuant to Measure 56. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. The amendments are consistent with Goal 1.
2. Goal 2 - “Land Use Planning” This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal. The proposed rezoning is integrated and consistent with the planning process and policy framework; specifically the ordinance furthers compliance with existing policies to stabilize and protect existing residential neighborhoods from incompatible uses as well as supporting the tourist economy. The ordinance is consistent with Goal 2.
3. Goal 3 – “Agricultural Lands” The areas affected by the proposed rezoning 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 rezoning. Therefore, Goal 3 is not applicable.
4. Goal 4 – “Forest Lands” The areas affected by the proposed rezoning are located within the City’s Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.

- 1 5. Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" The
2 areas affected by the proposed rezoning are located within the City's Urban
3 Growth Boundary. They do not include any areas currently zoned Open Space
4 or Park. They do not include the city's one property listed on the National
5 Register of Historic Places, the Dorchester House. The findings concerning
6 the Overall Environmental Goal as well as the Shoreland, Beaches, Dunes,
7 Estuary & Ocean Resources Goal are incorporated herein by this reference.
8 The proposed ordinance is consistent with Goal 5.
9
- 10 6. Goal 6 – "Air, Water and Land Resources Quality" Because the proposed
11 rezoning allows only uses already allowed under the existing zoning (except
12 that VRs would be allowed as principal uses rather than just as accessory
13 uses), the rezoning will not serve to increase the waste and process discharges
14 already being generated within the affected areas. Such discharges include
15 solid waste, thermal, noise, atmospheric or water pollutants, contaminants or
16 products therefrom. The proposed VR district requires the availability of the
17 full complement of public facilities and services before its application. The
18 findings concerning the Overall Environmental Element are incorporated
19 herein by this reference. The proposed ordinance is consistent with Goal 6,
20
- 21 7. Goal 7 – "Areas Subject to Natural Disasters and Hazards" The areas affected
22 by the proposed rezoning do not include any identified Natural Hazards
23 areas. The city already has acknowledged ordinance standards relating to
24 development in these areas, and the VR zone does not authorize (or exempt)
25 any development inconsistent with these natural hazard standards. The
26 findings concerning the Natural Hazard Element are incorporated herein by
27 this reference. The proposed ordinance is consistent with Goal 7.
28
- 29 8. Goal 8 – "Recreational Needs" The areas affected by the proposed rezoning
30 do not include any areas zoned for open space or park use, nor does the VR
31 zone authorize any development inconsistent with the recreational needs of
32 the community, region, or state. The area proposed for rezoning is adjacent
33 to or close to such recreational resources as the beach and the Olivia Beach
34 green and pool. The proposed ordinance is consistent with Goal 8.
35
- 36 9. Goal 9 – "Economic Development" The proposed rezoning does not adversely
37 affect the availability of land suitable for industrial and commercial
38 development. The existing Zoning Code, implementing the Comprehensive
39 Plan directs full time commercial vacation rental operations into commercial
40 and mixed use zones, and the new VR zone is a mixed use zone. As noted in

1 the findings relating to the city's Economy Goal point out, allowing
2 commercial use of VRDs supports the tourist economy of the city. The
3 findings concerning the Economy Goal are incorporated herein by this
4 reference. The proposed rezoning is consistent with Goal 9.

- 5
6 9. Goal 10 – "Housing" The proposed rezoning does not directly affect
7 residential development. All the property proposed for rezoning to the VR
8 zone will continue to be available for residential use. The findings concerning
9 the city's housing goal and are incorporated herein by this reference. The
10 proposed ordinance is consistent with Goal 10.

- 11
12 11. Goal 11 – "Public Facilities and Services" Existing City water and sewer
13 infrastructure and treatment facilities will not be affected by the proposed
14 rezoning, as the proposed rezoning area already is full served by city services.
15 Similarly their ability to serve surrounding properties will not be affected
16 because the rezoning does not authorize any uses not already allowed by the
17 existing zoning. The findings concerning the Public Services and Utilities goal
18 are incorporated herein by this reference. The proposed rezoning is
19 consistent with Goal 11.

- 20
21 12. Goal 12 – "Transportation" The proposed rezoning is consistent with the
22 City's *Comprehensive Plan* and *Transportation Master Plan* because it does not
23 adversely affect any transportation facility since it relates only to uses already
24 allowed. Further the new VR zone requires the full complement of public
25 facilities and services as part of any application. The findings concerning the
26 city's Transportation goal are incorporated herein by this reference. The
27 proposed rezoning is consistent with Goal 12.

- 28
29 13. Goal 13 – "Energy Conservation" The proposed rezoning does not change
30 any land use patterns from what is already allowed in the area proposed for
31 rezoning and therefore will not have any effect on Energy Conservation. The
32 findings concerning the city's Energy goal are incorporated herein by this
33 reference. Therefore, the amendments are consistent with Goal 13.

- 34 14. Goal 14 – "Urbanization" The proposed rezoning affects a relatively small
35 area of land zoned for multiple-family development and rezoning it would
36 result in a slight decrease in the allowed density of the development in the
37 area. But the area already is platted for single-family development, which is
38 an allowed use under the R-M zone. Accordingly the proposed rezoning does
39 not tend to promote the expansion of the Urban Growth Boundary. The

findings concerning the Comprehensive Plan Land Use goal, Housing goal and Urbanization goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 14.

15. Goal 15 – “Willamette Greenway” The proposed rezoning does not affect any areas within the Willamette River Greenway. Therefore, Goal 15 is not applicable.

16. Goal 16 – “Estuarine Resources” The proposed rezoning does not affect any areas adjacent to the Siletz Bay estuary. Therefore, Goal 16 is not applicable.

17. Goal 17 – “Coastal Shorelands” The city’s coastal shorelands include all land west of Highway 101. In the area of the proposed rezoning the coastal shorelands already are zoned for residential development and are fully urbanized. The VR zone does not alter any of the regulations governing the protection of the identified resources. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Goal 17 is met.

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

19. Goal 19: “Ocean Resources” Because the area of the proposed rezoning is solely on the dry land area of the city, the proposed rezoning will not affect the nearshore ocean and continental shelf. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 19.

C. VR Zone Criteria

Ordinance No. 2014-22, which established the VR zone, includes some criteria against which an area’s suitability for rezoning to the VR zone must be measured. These are addressed here.

1. Proximity to attractions and recreation uses

According to LCMC 17.18.010 "the VR zone is provided to facilitate lodging alternatives for vacationers in areas in close proximity to the community's attractions and recreation uses." The subject property abuts the city's Agnes Creek open space and features a direct, established connection to the open space trail network. Additionally the subject property is adjacent to, and is intended to become a part of (with the exception of a small portion in separate ownership) the Olivia Beach development, which includes a public beach access, a public green featuring volleyball court and playground equipment, and a swimming pool. The beach clearly is the area's greatest recreational attraction, and it is supplemented by the others mentioned. This criterion is satisfied.

2. Public facilities and Services

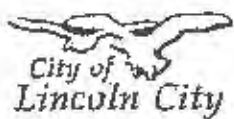
Areas of VR zoning are expected to have "sufficiently sized public facilities and services to accommodate the intensity of vacation rental use." The subject area is fully served with city water and sewer services and the Public Works Department has indicated that adequate capacity is available in both systems to serve the subject property and expected development in surrounding areas. While Bard Road (unpaved to the east of the subject property) and Coast Avenue are relatively narrow, Coast leads directly to the new 32nd Street intersection with Highway 101, which will be signalized by the end of this year, and most traffic is expected to go in that direction to take advantage of the easier access to Highway 101. This criterion is met.

3. Discrete geographic area

VR zoned areas are to be established in "discrete geographic areas devoted to vacation rentals or as a transition between commercial zones and purely residential zones, and therefore [facilitate] the protection and stability of established neighborhoods. The subject property is a relatively compact, discrete geographic area of about 7 acres lying between the existing Olivia Beach development and the Agnes Creek open space. Most of it is intended to become a part of the Olivia Beach development, which consists almost entirely of second homes and existing VRDs. The portion of the subject property that is intended to remain outside of Olivia Beach hosts a large VRD and is committed to that use. The area's topography and the limits of the Agnes Creek open space generally separate the subject property from surrounding residential neighborhoods outside of Olivia Beach, thus protecting them from the impacts of VRD usage. This criterion is met.

Exhibit B - List of Property Owners

	A	B	C	D	E
1	PARCELID	OwnName	Address1	Address2	CityStZip
2	07-11-22-BD-00509-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
3	07-11-22-BD-00511-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
4	07-11-22-AC-03200-00	FEUER MARC &	FEUER ADRIENNE	5350 N 33RD ST	PHOENIX, AZ 85018
5	07-11-22-AC-02600-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
6	07-11-22-AC-03100-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
7	07-11-22-BD-00501-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
8	07-11-22-AC-02700-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
9	07-11-22-AC-03000-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
10	07-11-22-AC-02800-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
11	07-11-22-AC-02900-00	JOHNSON LAWYNN L	PO BOX 721		LINCOLN CITY, OR 97367
12	07-11-22-CA-00101-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
13	07-11-22-BD-00700-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
14	07-11-22-BD-00701-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
15	07-11-22-BD-00508-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
16	07-11-22-BD-00512-00	OLIVIA BEACH CONSTRUCTION COMPANY LLC	PO BOX 7534		OLYMPIA, WA 98507
17	07-11-22-CA-00102-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
18	07-11-22-CA-00103-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
19	07-11-22-CA-00100-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
20	07-11-22-CA-05704-00	GENESIS FAMILY PROPERTIES LLC	ATTN WILLIAMS DEBRA P	2625 SW DUNE AVE	LINCOLN CITY, OR 97367
21	07-11-22-CA-05703-00	GENESIS FAMILY PROPERTIES LLC	ATTN WILLIAMS DEBRA P	2625 SW DUNE AVE	LINCOLN CITY, OR 97367
22	07-11-22-CA-05700-00	GENESIS FAMILY PROPERTIES LLC	ATTN WILLIAMS DEBRA P	2625 SW DUNE AVE	LINCOLN CITY, OR 97367
23	07-11-22-DB-02000-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
24	07-11-22-DB-03000-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
25	07-11-22-DB-02100-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
26	07-11-22-DB-02900-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
27	07-11-22-DB-02200-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
28	07-11-22-DB-02800-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
29	07-11-22-DB-02300-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
30	07-11-22-DB-02700-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
31	07-11-22-DB-02400-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
32	07-11-22-DB-02500-00	OLIVIA BEACH LLC	PO BOX 7534		OLYMPIA, WA 98507
33	07-11-22-DB-02600-00	ARNOLD JOHN S &	ARNOLD ELLEN B	157 KEEN RD	RICHLAND, WA 99352



Vicinity Map

Date: 06-17-2015
CPA/ZC 2015-03



Location

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