



Oregon

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

Date: December 18, 2015
Jurisdiction: City of Lincoln City
Local file no.:
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 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
004-15 {23955}
File No.:
Received: 12/16/2015

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: Lincoln City

Local file no.: n/a

Date of adoption: 10/26/2015

Date sent: 8/11/2015

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):

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): Debra Nicholson, Senior Planner

Phone: 541-996-1228

E-mail: dnicholson@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:

Adoption of the Lincoln City Transportation System Plan.

For a change to a comprehensive plan map:

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

- Change from _____ to _____ 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.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

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	to	Acres:
Change from	to	Acres:
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: ODOT, Lincoln County

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.

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**LINCOLN CITY
CITY COUNCIL**

IN THE MATTER OF

Adoption of the 2015 Transportation)
System Plan (TSP))

**FINAL ORDER
NO. 2015-03**

NATURE OF PROPOSAL

Lincoln City staff and consultants, with considerable public involvement, developed a final draft of a new transportation system plan (TSP) over the past three years and now propose it for adoption by the city council.

BACKGROUND FACTS

Public Notice: The city mailed a notice of the City Council's October 12, 2015 public hearing on the Transportation System Plan to the *News-Guard* for publication on September 2, 2015.

Testimony:

1. John Bosket, DKS and Associates, presented the staff report.
2. All those wishing to address the City Council were given an opportunity to do so.
3. The City Council received a written staff report and the final draft of the TSP prior to the hearing. The report, the final draft of the TSP, and all other material submitted at the public hearing are part of the record.

Substantive Criteria: Statewide Planning Goals

FINDINGS

Following its October 12, 2015 public hearing on the proposed TSP, the City Council makes the following findings:

- 1) The 1995 Transportation Master Plan is out of date and does not provide a current assessment of the city's transportation system nor the needed guidance for improving it to serve the area within the urban growth boundary over the next 20 years.
- 2) As the transportation element of the city's Comprehensive Plan, the TSP must establish the community's vision for its transportation system and outline strategies and projects to achieve it.
- 3) The State of Oregon requires a city to have a TSP that integrates the city's transportation investment plans into the statewide transportation system. It must

- 1 balance the needs of walking, bicycling, driving, transit, and freight. The
2 proposed TSP incorporates the 2012 Walking and Biking Plan and other previous
3 reports and studies with additional analysis.
- 4 4) The final draft of the TSP proposed for adoption is the product of a three year
5 planning and public engagement process.
- 6 5) The final draft of the TSP reflects community values and provides a reasonable
7 approach to transportation investment through 2035.
- 8 6) The TSP process included ample opportunities for community involvement and
9 the city council's October 12, 2015 hearing on the final draft provided all persons
10 an opportunity to speak.
- 11 7) Once the TSP is adopted, the plan can guide the city in budgeting, applying for
12 grants, and amending its code and policies to implement it.
- 13 8) The TSP is consistent with Statewide Planning Goals (see Exhibit A).

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15 **ORDER AND CONDITIONS OF APPROVAL**

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17 Based upon the foregoing, the City Council of Lincoln City unanimously adopts the 2015
18 Transportation System Plan, attached as Exhibit A.

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20 APPROVED THIS 26th DAY OF OCTOBER 2015.

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ATTEST:

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Cathy Steere, City Recorder

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Attachment:

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Exhibit A: Consistency with Statewide Planning Goals

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Exhibit B: 2015 Lincoln City Transportation System Plan online at:

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www.lincolncitytsp.org in the project library.

Exhibit A

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

The proposal is consistent with Statewide Planning Goal 1, because the process the City of Lincoln City used to develop and adopt this amendment provided the opportunity for citizens to be involved in all phases of the planning process, as follows:

The citizen involvement program provided for widespread citizen involvement that involved a cross-section of affected citizens in all phases of the planning process and included the Planning Commission, the officially recognized committee for citizen involvement (CCI) that makes recommendations to the City Council.

- The public involvement process for the update of the TSP began shortly after the project's inception with the development of the project's website, which provided access to memos, meeting notes, news articles, and updates on TSP development. It posted notices of upcoming public meetings, and offered a Spanish language page that invited those wanting more information to contact appropriate persons. The project website hosted a survey that asked the public to identify needs and opportunities and/or constraints in the existing multi-modal transportation system. The survey contained an interactive map that allowed survey participants to pinpoint locations of concern or opportunity. The project website advertised the web survey, which the city also promoted at meetings broadcast on the city's local channel, in news articles, on local radio, and at public events.
- The project advisory committee included 17 representatives from local organizations and community transportation and ADA activists. The project advisory committee met five times from November 13, 2012 to July 14, 2015.
- The public had the opportunity to get updates on project findings and to provide comments and suggestions at three public events on February 13, 2011, December 6, 2012, and August 9, 2015. Each public event encouraged participants to talk with consultants and staff and fill out surveys. The workshop summaries are in the TSP appendix. Newspaper articles and posters promoted the events. Staff appeared on local radio to encourage participation. The open houses took place at the Lincoln City Cultural Center; two coincided with the Sunday farmers market in an effort to reach a variety of residents and tourists.
- Staff reports and power point presentations explained technical information necessary for reaching policy decisions in a simplified, understandable form. City staff provided assistance to public in interpreting and effectively using the technical information. A copy of all technical information was available on the City and/or project web site as well as at city hall offices. Staff edited all materials produced by the consultants to ensure the language was accessible and the information was meaningful to the general public.
- Citizens received response from policy-makers in the form of written minutes of all public hearings and meetings, which are retained and available for public assessment and include the rationale used to reach decisions on the plan.
- The Planning Commission and City Council held joint workshops to discuss progress and direction of the plan. These workshops were open to the public and recorded and televised.

- The City of Lincoln City provided legal notice for the Planning Commission proceedings and City Council proceedings. The Planning Commission held its public hearing on the TSP September 15, 2015 and unanimously recommended adoption of the TSP in a final order approved on October 5. The City Council held its public hearing on October 12, 2015, considering the final order on October 26.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Land Conservation and Development Commission (LCDC) acknowledged the City's Comprehensive Plan as complying with state planning goals. The development and adoption of the TSP followed the decision making process and framework established by the city's Comprehensive Plan.

Throughout the TSP process, a project management team consisting of the city's public works director, the city engineer, the director of planning and community development, the senior planner, the regional planner for ODOT and the consultant met every other week. The team established a technical advisory committee (TAC) consisting of local and county agencies and the area DLCD representative. The TAC met three times between June 20, 2013 and July 14, 2015 to assist the city in developing the plan. The project management team, guided by the technical advisory committee, the project advisory committee, elected officials, and public comment, produced the plan.

The city mailed notice of the public hearing and pending adoption of the Lincoln City TSP to the Oregon Department of Land Conservation and Development (DLCD) on August 17, 2015. The adoption process followed the procedures outlined in the Lincoln City Municipal Code, with hearings before the Planning Commission on September 15 and before the City Council on October 12.

These findings provide an adequate factual basis for action. The amendment, therefore, conforms to the established land use planning process and framework consistent with Goal 2.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The Lincoln City TSP is consistent with this goal, because the Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 5 resource sites. Staff and consultants analyzed proposed TSP projects with consideration to impacts on open space, scenic and historic areas, and natural resources. Most of the projects proposed by the TSP are adjacent to or within the right-of-way of existing transportation facilities, and have very little potential impact outside of existing right-of-way.

Description of multi-use trails that are adjacent to or could extend through open spaces and scenic areas includes flexibility and consideration of impacts in implementing these trails to minimize negative impacts to open space and scenic areas and natural resources.

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 Lincoln City TSP is consistent with this goal, because it contains many projects that support a more compact land use pattern and encourage the use of alternative modes of transportation. Less reliance on the automobile results in lower levels of air and water pollution.

Most of the projects in the plan are on existing transportation facilities and will not have any impacts to air, water, and land resource quality. One project with likely impact is the construction of a new east-west collector street from Sal La Sea Road east to Highway 101. This project is dependent on private development, and would require coordination with developers to fully construct. The project would require significant right-of-way, and environmental constraints are likely. Another project likely to have impact on natural resources is improvement to south end of East Devils Lake Road, which now is flooded most of the year and block salmon passage. Project development would consider environmental constraints and seek to minimize them as much as possible, while balancing them with project needs.

The TSP also includes a goal to minimize or avoid adverse impacts on natural and social resources within Lincoln City to ensure protection of groundwater, storm run-off and surface water from impacts from transportation projects.

The focus of the TSP on walking, biking, transit, and demand management projects and programs to reduce reliance on the single occupant vehicle aim to maintain and improve air quality within the City.

Goal 7 – Areas Subject to Natural Disasters and Hazards: *Requires the maintenance and improvement of the quality of air, water and land resources.*

The Lincoln City TSP is consistent with this goal, because soil stability is addressed by a combination of existing and acknowledged Goal 5 regulations and building codes implemented by the City of Lincoln City. TSP transportation projects must be consistent with these existing regulations. The TSP acknowledges the role of the transportation system in emergency preparedness and resiliency planning.

Consultants and staff analyzed areas subject to natural disasters and hazards, such as areas of steep slopes, landslides, and floodways. They avoided recommending improvements that would negatively impact these areas.

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 Lincoln City TSP is consistent with this goal, because it identifies and includes projects for transportation facilities that are also recreational facilities. Walking and biking are popular on the coast and in Lincoln City, but can be hazardous where they share facilities with motor vehicles.

The TSP emphasizes safety improvements to the highway and high use local streets. The TSP also identifies pedestrian and bicycle projects that connect residential areas to recreational destinations.

Goal 9 – Economic Development: *Requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.*

The Lincoln City TSP is consistent with this goal as it reinforces the City’s freight network with transportation projects that will provide access to freight facilities and employment sites. Lincoln City Comprehensive Plan policies also support this goal.

Adopting the TSP will ensure that transportation improvements are available to support the City’s employment areas. The plan supports improvements that will make US 101 more efficient, less congested, and safer for all modes of transportation. This is essential for serving the tourist industry in Lincoln City and on the Oregon Coast. The TSP proposes demand management and studies to expand transit for tourists as well as permanent residents who work here.

Goal 10- Housing: *requires provision for the housing needs of citizens of the state.*

The TSP is consistent with Statewide Planning Goal 10, because it reinforces the livability of Lincoln City’s neighborhoods by including appropriate access, and street, bicycle and pedestrian standards to serve residential developments. Policies for better connectivity and access also support this goal.

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 proposal is consistent with Statewide Planning Goal 11 because:

- the TSP will guide the city in providing timely, orderly and efficient improvements to the transportation network, which is critical to urban life and development;
- implementation of the TSP will support Lincoln City with facilities and services appropriate for the needs and requirements of its existing and growing neighborhoods;
- Project goals and plan objectives of the TSP address access, mobility, and connectivity within the city between popular destinations and residential areas. The project selection considered financing limitations and attempted to optimize benefits that were affordable to make the best use of the existing network.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The TSP is consistent with this goal, because it completely updates the City’s transportation policies and meets the requirements of the Transportation Planning Rule (TPR), including

balancing the needs of all users of the transportation system and strengthening each modal network through the identification of projects.

Goal 13 - Energy: *To conserve energy.*

The TSP is consistent with this goal in supporting a balanced transportation system that encourages additional walking, bicycling, and transit trips and reduces reliance on the single-occupant vehicle. New connectivity standards will result in a street system with less out-of-direction travel. Demand management projects in the TSP are aimed at reducing congestion.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

The TSP is consistent with this goal, because it supports compact development in Lincoln City by providing a multimodal transportation system. The TSP supports the urban growth boundary by improving mobility and accessibility inside the urbanized areas, consequently reducing the potential need for conversion of rural lands to urban uses.

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 TSP is consistent with this goal. The Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 16 resource sites. Most of the projects proposed by the TSP are adjacent to or within the right-of-way of existing transportation facilities, and have very little potential impact outside of existing right-of-way. None would impact the estuary.

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 TSP is consistent with this goal. The Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 17 resource sites. Most of the projects proposed by the TSP are adjacent to or within the right-of-way of existing transportation facilities, and have very little potential impact outside of existing right-of-way. None would impact the coastal shorelands negatively.

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

these areas.

The TSP is consistent with this goal, as most of the projects proposed by the TSP are adjacent to or within the right-of-way of existing transportation facilities, and have very little potential impact outside of existing right-of-way. None are in the vicinity of the beaches and dunes.

Goal 19 – Ocean Resources: *To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

The TSP is consistent with this goal, since most of the projects proposed by the TSP are adjacent to or within the right-of-way of existing transportation facilities, and have very little potential impact outside of existing right-of-way. None would impact the ocean resources.