



Oregon

Theodore R. Kubongoski, 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

8/2/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 006-10

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: Friday, August 13, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Timothy Novak, City of Lincoln City
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA

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



Jurisdiction: City of Lincoln City Local file number: ZOA 2010-02
Date of Adoption: June 28, 2010 Date Mailed: July 23, 2010
Date original Notice of Proposed Amendment was mailed to DLCD: April 2, 2010

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

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

_____ The ordinance amended Chapters 17.52.100, Landscaping and 17.56.110 Development and maintenance standards for off-street parking areas, of the municipal code. Amendments limit the amount of impervious surface on single-family and duplex lots; expand minimum requirements for planting areas to include lots with single-family and duplex units; for all uses, allow approved pervious surfaces for off-street parking areas in addition to conventional asphalt and concrete surfaces, and require use of pervious surface for parking spaces in excess of those required by code; and add/revise definitions of related terms. _____

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".

_____ The original draft ordinance submitted on April 2, 2010 included provisions for stormwater management. Those provisions were deleted from the final ordinance. Other minor refinements to the ordinance were also made. _____

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: city wide Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? YES NO

DLCD File No.: 006-10 (18226) [16242]

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: Timothy Novak Phone: (541) 946-1226 Extension: _____
Address: PO Box 50 City: Lincoln City
Zip Code + 4: 97367 Email Address: timothy.n@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.

1 B. All single-family dwellings (site-built, modular and manufactured homes) to be
 2 constructed or located in residential zones shall use at least two of the following design
 3 features to provide visual relief along the front of the home:

- 4 1. Dormers;
- 5 2. Gables;
- 6 3. Recessed entries;
- 7 4. Covered porch entries;
- 8 5. Cupolas;
- 9 6. Pillars or posts;
- 10 7. Bay or bow windows;
- 11 8. Eaves (minimum six-inch projection);
- 12 9. Off-sets on building face or roof (minimum 16 inches).

13
 14 **Section 2.** Lincoln City Municipal Code Chapter 17.34 Nelscott Plan District (NP), is hereby
 15 amended so that Table 17.34.060 (B) Development Standards includes the following addition
 16 (underlined) under Minimum Landscape Area:
 17

Standard	Business District	Cottage Residential	Beachside Mixed Use
Min. 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. <u>Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100.</u>	10%	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)

18
 19 **Section 3.** Lincoln City Municipal Code Chapter 17.50 Oceanlake Plan District (OP), is hereby
 20 amended so that Table 17.50.060 Development Standards includes the following addition
 21 (underlined) under Minimum Landscape Area:
 22

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
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. <u>Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100.</u>	10%	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)

1 **Section 4.** Lincoln City Municipal Code Section 17.52.100, Landscaping, is hereby repealed and
2 replaced with the following:

3 17.52.100 Landscaping.

4 A. Purpose: Landscaping is important to the community for its aesthetic value and
5 environmental benefits, such as controlling erosion and functioning as part of the natural
6 hydrologic cycle. By requiring landscaping for all new development and substantial
7 improvements, the aim of this ordinance is to maximize both benefits. Landscaping for
8 each new development shall satisfy the following requirements.

9
10 B. Applicability. Landscaping requirements in this section apply to:

- 11 1. Newly developed lots.
- 12 2. Previously developed lots whenever improved by 50% or more of the assessed value
13 of the existing improvements.

14
15 C. Landscape Plan. A landscape plan shall be submitted with any building permit for new
16 construction, as applicable under this section.

17 1. Single Family Residences and Duplexes.

- 18 a. Preliminary Landscape Plan. The plan shall be drawn to scale and shall include
19 the location of buildings, impervious surfaces, and pervious surfaces. Approved
20 plans shall indicate the amount of minimum planted area required.
- 21 b. Final Landscape Plan. Prior to a request for final inspection, a final landscape/site
22 plan shall be submitted and shall indicate the following:
 - 23 i. The location and number of proposed plantings. Materials in the plan shall
24 not be installed until the plan has been approved.
 - 25 ii. The degree and direction of finished slopes of all landscape areas. Degree of
26 slope shall be measured and indicated by category as per subsection F(1)(a).

27
28 2. Uses other than single-family homes and duplexes.

- 29 a. Landscape plan shall be submitted with the site plan and shall be drawn to scale
30 and shall include the location of buildings, impervious surfaces, and pervious
31 surfaces. Plans must indicate the location, species, and number of proposed
32 plantings and how the landscaped area will be irrigated.
- 33 b. Landscaping shall be located in at least three separate and distinct areas of the lot,
34 one of which must be located in the front and another in one of the side areas. In
35 all developments, the areas between buildings on the lot must be landscaped.
- 36 c. Materials in the plan shall not be installed until the plan has been approved.

37
38 D. Impervious surface limits. The following limits on impervious surface apply to all lots:
39

1 1. Single-family dwellings and duplexes. Maximum coverage of a lot in impervious
 2 surfaces shall be limited to a percentage of the lot, according to zone, as listed in the table
 3 below.

R-1*	R-M	NCR	R-R	OPD I-M	OPD OF	NBMU	NBD
55%	55%	55%	65%	75%	80%	90%	90%

7 *R-1 standards applicable in G-C, R-C, and TVC zones.

8 Exemptions and adjustments:

- 9 a. Flag lot access ways (i.e., the “flagpole”) shall not be included in the calculation
 10 for determining impervious surface limits.
- 11 b. Recorded, legal access easements shall not be included in the calculation for
 12 determining impervious surface limits.
- 13 c. Eco-roofs, installed or inspected and approved by a certified professional, shall not
 14 be included in the calculation for determining impervious surface limits.
- 15 d. For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum impervious
 16 surfaces shall be an additional 5% above the limit listed in the table above.
- 17 e. For existing lots less than 3,000 sq. ft., maximum impervious surfaces is an
 18 additional 15% above the limit listed in the table above or 100%, whichever is
 19 less.

21 2. All development other than single-family dwellings and duplexes. Impervious surface
 22 shall be limited in accordance with LCMC § 17.56, Off-Street Parking, and Subsection E,
 23 and the applicable zoning designation.

25 E. Planted area - Minimum requirements . For the purposes of this chapter, a planted area is
 26 any area designed to accommodate live vegetation. It includes the non-living ground
 27 cover that is distributed amongst and between the plants for erosion control, soil fertility,
 28 and beautification.

30 1. Single family dwellings and duplexes.

- 31 a. At a minimum, planted area shall be a percentage of single-family and duplex lots
 32 based on zone, as listed in the table below.

R-1*	R-M	NCR	R-R	OPD I-M	OPD OF	NBMU	NBD
20%	20%	20%	15%	10%	10%	10%	10%

33 *R-1 standards applicable in G-C, R-C, and TVC zones.

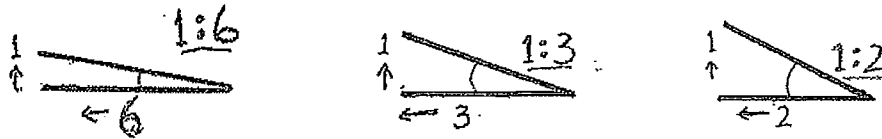
- 34 b. A minimum of 25% of the front yard shall consist of one or more planted areas,
 35 which shall count towards total required planted area for the lot.
 36
 37

1 2. All development other than single-family dwellings and duplexes. Except as modified
2 by other sections of the zoning ordinance, a minimum of 15 percent of the total lot area
3 shall be landscaped with plants and groundcover, as described in this section.

4
5 F. Groundcover Required. All exposed ground, such as soils, clay, sand, etc shall be
6 landscaped with groundcover, either living or non-living, as described in the following:
7

8 1. Living Groundcover. Living groundcover must be evenly distributed throughout areas
9 required by paragraph F(1)(a) below.

10 a. Coverage of living groundcover. The slope of the planted area shall determine the
11 required coverage of living groundcover. For the purposes of this section, slope is the
12 ratio of vertical distance to horizontal distance on a surface. For example, a slope of
13 one vertical foot (rise) over two horizontal feet equals a 1:2 ratio, as shown in the
14 illustration below at right.



15
16
17 The minimum coverage of living groundcover shall be determined based on the
18 maximum slope of an individual planted area in the following categories:
19

20 Category 1: For gradual slopes of 0 up to and including 1:6, living groundcover
21 shall cover a minimum of 25% of the required planted area.

22 Category 2: For slopes greater than 1:6 up to and including 1:3, groundcover
23 shall cover a minimum of 50% of the required planted area.

24 Category 3: For slopes greater than 1:3 up to and including 1:2, groundcover
25 shall cover a minimum of 75% of the required planted area.

26 Category 4: Steep slopes greater than 1:2 shall meet requirements set out in
27 LCMC 12.08, Grading and Erosion Control.
28

29 b. Groundcover size. Groundcover plants shall be sized and spaced so that they grow
30 together to cover the minimum required area in paragraph (a)(i) of this section within
31 three years of planting. Until new plants have grown to cover the required area, bare
32 ground between plants shall be protected from erosion with non-living groundcover,
33 as specified in paragraph 2 below. Wattle, bio-bags, or similar methods approved by
34 the city engineer shall be used in conjunction with organic, non-living groundcover to
35 prevent erosion on slopes greater than 1:6.
36

37 2. Non-living groundcover. Depth of mulch shall be the minimum necessary (i.e., a
38 two- to three-inch thick layer) to ensure effective erosion control and to avoid leaching
39 of excessive nutrients. Mulch between plantings shall consist of any of the following
40 materials:

1 a. Organic materials. Examples include wood mulch and wood nuggets that are a
2 minimum diameter of 1", straw, and well-aged compost & leaves.

3 i. Mulch shall be weed-free.

4 ii. Mulching with manure that has not been composted or aged is prohibited.

5
6 b. Non-organic materials, such as loose (not compacted) small river gravel, river
7 rock, and pumice.

8
9 G. Additional required vegetation.

10
11 1. Single-family dwellings and duplexes. For single-family dwellings and duplexes, one
12 plant unit must be planted and maintained for every 500 square feet of planted area. One
13 plant unit equals ten (10) points in any combination according to the values listed below:

14 10 points: one large tree (over twenty feet in height at maturity)

15 5 points: one small tree (twenty feet in height or less when mature)

16 2 points: one native species or drought-tolerant shrub

17 1 point: one native species or drought-tolerant perennial.

18
19 Exception: If the percentage of living groundcover in a planted area is 100%, additional
20 vegetation requirements may be reduced by 50%.

21
22 2. All development other than single-family dwellings and duplexes. All areas to be
23 landscaped and buffered shall be planted with a minimum of the following:

24
25 a. One large tree or two small trees per 20 feet of lot perimeter; and

26 b. One deciduous or evergreen shrub per five feet of lot perimeter.

27 c. Plantings shall not be higher than five feet if they would block the view of any
28 shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.

29
30 H. Standards for plant materials.

31 1. Size.

32 a. Large trees shall be a minimum of one-inch caliper or six feet in height at time of
33 planting.

34 b. Small trees shall be a minimum of one-gallon size or two-years old at time of
35 planting.

36 c. Shrubs shall be a minimum of one-gallon size when planted.

37 d. Perennials shall be a minimum of 4-inch pot size.

38
39 2. Species and practices.

40 . a. Use of native and drought-tolerant species is advised generally, and required in
41 Subsection G(1) for shrubs and perennials.

- b. Invasive and noxious plants as defined in LCMC §8.12.010 or by the Oregon Department of Agriculture are prohibited.
- c. For all development other than single-family dwellings and duplexes, plant materials shall achieve balance between low-lying and vertical shrubs and trees.
- d. High fertilizer hydro-seeding is prohibited.

3. Condition. All selections must be healthy and disease-free.

I. Additional Pervious Surface. For areas of a lot not covered with impervious surfaces or required planted areas, any of the following is permitted:

- 1. Pervious off-street parking surfaces.
- 2. Pervious hardscape features, i.e. patios, decks, sidewalks & pathways, etc.
- 3. non-organic groundcover (e.g. rock) with or without vegetation.
- 4. organic groundcover with vegetation as per paragraph F above (i.e additional planted areas).

J. Generally.

1. Time of installation. All required landscaping shall be installed prior to issuance of a certificate of occupancy or, in relation to development for which a certificate of occupancy is not required, prior to commencement of use.

a. Agreement to delay installation. If all required landscaping has not been satisfactorily completed prior to application for issuance of a certificate of occupancy or prior to a proposed commencement of use, and if 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. Provide that if the owner does not complete the identified landscaping within the established time period, then the city may complete the landscaping and recover the full cost and expense of completion from the owner;
- iii. Require the owner to hold harmless, defend, and indemnify the city and its mayor and council members, officers, boards, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required to be done by the owner under the agreement.

b. Financial security required for delayed installation. An owner entering into a landscaping agreement under this subsection shall file with the city, as a condition to city acceptance of the agreement, financial security to assure the full and faithful performance of the agreement by the owner. The financial security shall be in an amount equal to 110 percent of the owner's estimated cost to

1 complete the landscaping, as approved by the director, which amount shall be
2 subject to reduction from time to time in the sole discretion of the director as
3 satisfactory installation of the landscaping is completed. The financial security
4 required under this subsection shall be in a form approved by the director and
5 may be one or more of the following:

- 6 i. A surety bond executed by a surety company authorized to transact business
7 in the state of Oregon;
- 8 ii. Cash; or
- 9 iii. An irrevocable standby letter of credit or similar financial security
10 instrument. (Ord. 2000-11 § 10; Ord. 98-11 § 5; Ord. 92-17 §§ 1 – 3; Ord. 84-2
11 § 4.100)

12 2. Maintenance. The owner of a lot is responsible for continuous maintenance of the
13 landscaping required by this chapter, including necessary irrigation, weeding, pruning
14 and, if necessary, replacing, in a substantially similar manner as originally approved.
15 The lot owner is responsible for keeping the required planted areas free from weeds and
16 litter. Failure to maintain the landscaping in accordance with this chapter shall be
17 considered a Class A Civil Infraction.

18 3. Landscaping shall be in conformance with the general visibility requirements set out
19 in LCMC §17.52.260.

20 4. Any constructed earth berms shall be between three feet and four feet in height, and
21 topped with ground cover and shrubbery.

22 5. Uses within a development that might provide objectionable views, such as
23 garbage and trash collection stations, laundry areas in multifamily developments,
24 shall be landscaped with screen plantings, or landscaped masonry wall or fencing.
25

26 6. Drainage pipes and appurtenances located on an ocean front parcel shall be
27 secured and screened with landscaping to the extent feasible, and the discharge shall
28 be placed to limit erosion.
29

30 **Section 5.** Lincoln City Municipal Code Section 17.56.110, Development and maintenance
31 standards for off-street parking areas, subsection (D), Surfacing, is hereby repealed and replaced
32 with the following provisions:
33

34 17.56.110 Development and maintenance standards for off-street parking areas.
35

36 D. Surfacing.
37

38 1. Materials. Areas used for standing and maneuvering of vehicles shall have
39 permanent, dust-free surfaces and shall be constructed to support use by solid waste
40 vehicles and firefighting apparatus. Surfaces shall consist of one or more of the
41 following materials:
42

- 1 a. Impervious asphaltic or portland cement;
- 2 b. Permanent, dust-free surfaces of:
 - 3 i. Block pavers of concrete, stone, brick, or similar material
 - 4 ii. Grid pavers of concrete, stone, brick, or similar material
 - 5 iii. Plastic grid pavers
 - 6 iv. Pervious Asphalt
 - 7 v. Pervious Concrete
- 8 c. Crushed rock surfaces, if maintained according to the standards required in this
- 9 subsection may be used in areas for storage, display, loading and maneuvering of
- 10 vehicles associated with large, low-intensity industrial or commercial uses
- 11 (warehousing and distribution, manufactured dwellings or recreational vehicle sales,
- 12 lumber yards, etc.), as determined by the planning director.
- 13 d. Other materials, as approved by the city engineer.

14
15 2. Installation & Maintenance.

- 16 a. Materials shall be installed and maintained adequately for all-weather use,
- 17 including proper drainage so as to avoid flow of water across sidewalks and any
- 18 property line.
- 19 b. All pervious surfaces shall be designed, installed, and maintained to ensure
- 20 proper stormwater infiltration.

21
22 3. Maximum Impervious Surface.

- 23 a. Single-family dwellings and duplexes. Driveways/parking areas shall be limited
- 24 to an 18-foot width of impervious surface. Additional driveway width, if any, shall
- 25 consist of pervious surfaces, as listed in (1)(b) of this paragraph.
- 26 b. All development other than single-family dwellings and duplexes. All parking
- 27 spaces in excess of the minimum required amount shall be surfaced with pervious
- 28 materials, as listed in (1)(b) of this paragraph.
- 29 c. Exemptions. The restrictions in this paragraph shall not be applied to the
- 30 following:
 - 31 i. Recorded, legal, access easements.
 - 32 ii. Flag lot access ways (i.e., the “flagpole”) for a width of up to 18 feet.

33
34 **Section 6.** Lincoln City Municipal Code Chapter 17.08, Definitions, is amended to repeal the

35 definition for “Lot Coverage”, and to add the following new and amended definitions:

36
37 “Building,” including accessory buildings, means a structure built for the support, shelter or

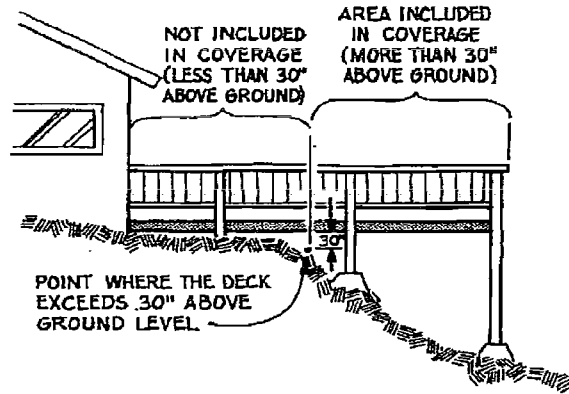
38 enclosure of any persons, animals, chattels or property of any kind.

39 “Building coverage” means the percentage of the total lot or parcel covered by the footprint of all

40 buildings, accessory buildings of greater than 200 square feet, decks, balconies, porches, and

41 stairs. Uncovered decks, porches and stairs that are thirty inches or less from the ground shall not

42 be included in the determination of building coverage.



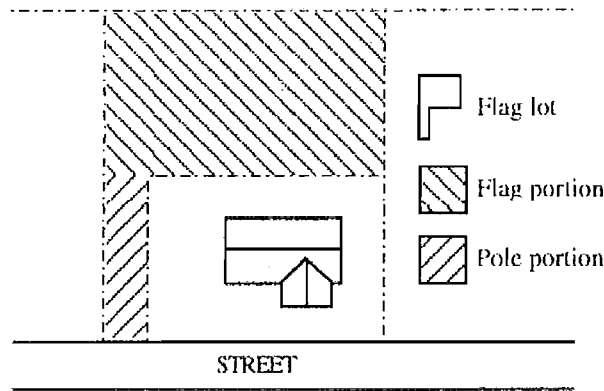
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

“Development” has two definitions:

1. A piece of land that contains buildings, structures, and other modifications to the natural environment; or
2. The alteration of the natural environment through:
 - a. The construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification.
 - b. The placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code.
 - c. The division of land into two or more parcels, and the adjustment of property lines between parcels.

“Eco-roof” - also called a green roof, is a lightweight vegetated roof system consisting of waterproofing material, growing medium, and specially selected plants.

“Flaglot” – Located behind another lot, a flaglot has two distinct parts: the flag, which is the building site; and the pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone. (see illustration below)



1 "Footprint" - the square footage of a building that rests, directly or indirectly, on the ground,
 2 including, for example, cantilevers, bay windows with floor space, and chimneys.

3 "Groundcover" - plants that grow densely and close to the ground, covering large expanses, and
 4 deliberately planted to prevent weeds or soil erosion.

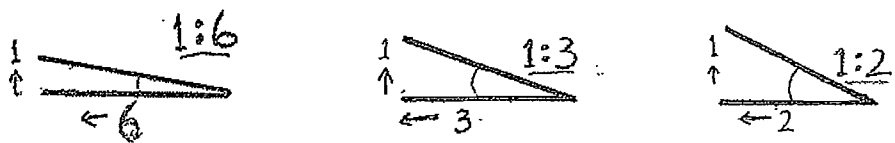
5 "Hardscape"-Landscaping elements composed of permanent non-living materials, some of which
 6 are designed to sustain foot traffic and/or provide an extension of livable space to the outdoors.
 7 Examples include decks, patios, walkways, stairways, and gazebos; retaining walls, other
 8 stonework and decorative landscape art. Depending on the extent that the material prevents
 9 infiltration of storm water into the soil below, hardscape can be considered either impervious or
 10 pervious.

11 "Impervious Surface / Area." Any surface that does not allow for the infiltration of water
 12 directly into the underlying earth. Types of impervious surfaces include rooftops and eaves,
 13 asphalt and concrete parking lots other than those surfaced with pervious materials, driveways,
 14 roads, sidewalks and pedestrian plazas, and standing water. Note: Uncovered, slatted decks are
 15 considered pervious. Gravel surfaces are considered pervious unless they cover impervious
 16 surfaces or are compacted.

17 "Perennial" – A landscape plant that persists for several years with new herbaceous growth from
 18 a part that lives over from one growing season to another.

19 "Planted area" – A landscaped area that supports living vegetation. The area includes non-living
 20 groundcover (as defined in subsection F(2) above) in between plantings and is intended to reduce
 21 soil erosion and beautify the area.

22 "Slope"- The ratio of vertical distance to horizontal distance on a surface, where a ratio of one
 23 vertical foot in change to two horizontal feet in change equals a 1:2 ratio. Example:



24

25

26

27 **Section 7. Delegation of Authority to Correct Errors.** The City Council delegates to the City
 28 Recorder the authority to make any required corrections due to scrivener's errors, including but
 29 not limited to cross-references, and to make such changes prior to codifying this ordinance.

30

31 **Section 8. Severance.** In the event that any provision of this ordinance is determined by a court
 32 of competent jurisdiction to be invalid or unenforceable, such invalid provision shall be severed
 33 and the remaining provisions of the ordinance that have not been held invalid or unenforceable
 34 shall continue to be valid and enforceable to the fullest extent permitted by law.

35

1 **Section 9.** The purpose of this ordinance is to improve the capture of water runoff and
2 stormwater, and improve the livability and of the City as a whole.

3 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City on this 28th day of
4 June, 2010.

5

6

LORI HOLLINGSWORTH, MAYOR

7

8 ATTEST:

9

10

11

12 CATHY STEERE, CITY RECORDER

Ordinance 2010-06

Exhibit A

A. Conformance with Statewide Planning Goals

- (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. 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, were 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 these proposed amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" Even though the proposed ordinance addresses the potential use of property for urban agriculture, all the areas potentially affected by it 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, as that term is used in this goal, will be affected by this ordinance. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands" The areas affected by the proposed amendments are located within the City's Urban Growth Boundary. The area is zoned for urban development and does not include designated forestlands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas affected by the proposed ordinance are located within the City's Urban Growth Boundary. The proposed ordinance does not authorize any uses inconsistent with the purposes of the Open Space or Park zones. Because it only requires landscape elements and limits new impervious surface amounts and thus does not affect existing structures, it will have no adverse affect on the city's one property listed on the National Register of Historic Places, the Dorchester House. Private property subject to the proposed ordinance includes sites adjacent to areas zoned 'Open Space' and/or designated as significant aesthetic resources. Because the amendments will improve water quality and reduce erosion, they will have a positive impact on our open spaces and further the aims of this goal. The ordinance continues the prohibition of noxious plants, reducing their spread into our open spaces and the potential negative impacts that this may have. Therefore, the proposed amendments are consistent with Goal 5.

- (6) Goal 6: "Air, Water and Land Resources Quality" The proposed ordinance requires measures that are intended to protect the land from the degradation due to erosion and the water from pollutants that are associated with urban storm run-off. The vegetation required will have a positive impact on air quality by sequestering carbon and releasing oxygen. Therefore, the proposed amendments are consistent with Goal 6.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" Through requiring vegetation and limiting impervious surface, the ordinance guards against erosion of slopes due to runoff, which could increase natural hazards. Therefore the proposed amendments are consistent with Goal 7.
- (8) Goal 8: "Recreational Needs" The proposed amendments do not authorize any development that is inconsistent with the recreational needs of the community. By limiting impervious surface, the amendments potentially increase the amount of outdoor space conducive to recreation activities. Therefore, the proposed amendments are consistent with Goal 8.
- (9) Goal 9: "Economic Development" The proposed amendments do not affect the availability of land suitable for industrial and commercial development. They do protect and improve the quality of our water, the naturally beautiful environment, and community aesthetics, all of which are important to the city's tourist industry, the main component of Lincoln City's economy. Demand for nursery work and landscape maintenance businesses may increase as a result of the proposed amendments. Therefore, the proposed amendments are consistent with Goal 9.
- (10) Goal 10: "Housing" The proposed amendments require homeowners to reserve portions of their property for landscape elements; however, they do not limit the development of residential housing, since the regulations do not reduce the current building coverage limits. They do encourage thoughtful development and stewardship of residential properties, and therefore, are consistent with Goal 10.
- (11) Goal 11: "Public Facilities and Services" The ordinance is intended to help stabilize soils and landforms, thus limiting erosion and runoff that can have negative impacts on sewer and stormwater systems. By reducing the amount of pollutants and debris entering the City's streets, sewer system, and stormwater infrastructure, the proposed amendments increase the life of these infrastructure components and reduce the frequency of required maintenance on them. Therefore, the proposed amendments are consistent with Goal 11.
- (12) Goal 12: "Transportation" The proposed amendments are intended to help stabilize soils and limit erosion and runoff that can have negative impact on streets. They do not limit the development or maintenance of existing or future transportation facilities. Therefore, they are consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" The proposed amendments reduce the amount of pollutants entering the streets and stormwater system, thus reducing energy expenditures associated with maintenance costs. Though there is a potential for some increase in water

usage and the associated energy use, the amendments require or promote the use of native and drought-tolerant plants that only need watering until established and don't require fertilizers. Therefore, the proposed amendments are consistent with Goal 13.

- (14) Goal 14: "Urbanization" The proposed amendments do not change any uses already allowed, nor add to those uses, nor decrease densities allowed, nor promote the expansion of the Urban Grown Boundary. Therefore, the amendments are consistent with Goal 14.
- (15) Goal 15: "Willamette River Greenway" The affected areas are not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.
- (16) Goal 16: "Estuarine Resources" The proposed amendments affect some areas adjacent to designated estuarine resources. By limiting the potential for erosion and runoff that can have negative impacts on estuarine resources, the proposed amendments strengthen regulations that protect and preserve these resources. Therefore, the amendments are consistent with Goal 16.
- (17) Goal 17: "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. The proposed amendments help to protect the coastal shorelands by stabilizing soils through limiting erosion and runoff that can damage coastal resources. Therefore, the proposed amendments are consistent with Goal 17.
- (18) Goal 18: "Beaches & Dunes" By reducing stormwater run-off of pollutants that are carried to the beach via the City's stormwater infrastructure, the proposed amendments support cleaner beaches. The amendments do not change allowed or prohibited development on our beaches or dunes. Therefore, the proposed amendments are consistent with Goal 18.
- (19) Goal 19: "Ocean Resources" The proposed amendments will not affect the near-shore ocean and continental shelf other than to the extent that they stabilize soils and reduce erosion and runoff. Therefore, the proposed amendments are consistent with Goal 19.

B. Conformance with 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 Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, were adopted by the City Council of Lincoln City after public hearing and have been reviewed on a periodic cycle to take into account changing public policies

and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. Review of these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, establishes 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 proposed amendments by the Planning Commission (a citizen board), and the City Council (a citizen board) establishes conformance with this goal.

(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 generally already are in place in the areas affected by the proposed amendments. The limit on impervious surface and required vegetation should ensure efficient use of the city’s sewer systems. The proposed ordinance does not authorize any development that will affect the arrangement or availability of new services and utilities. The goal is satisfied.

(4) Urbanization Goal

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

The proposed amendments do not affect the densities of properties in Lincoln City, because they do not authorize or prohibit any particular development. They will not affect development, nor affect the transition of land uses from rural to urban. This goal is satisfied.

(5) Natural Hazard Goal

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

The areas affected by the proposed amendments include some identified natural hazards. Through requiring that slopes susceptible to erosion be vegetated and limiting impervious surface, the amendments help guard against runoff and erosion that can increase natural hazards. This goal is satisfied.

(6) Housing Goal

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

Because the proposed amendments do not change what uses are allowed under the existing zoning ordinance, they will not affect the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the local area. The proposed amendments do pertain to residential development in that they create limits of impervious surface and require minimum levels of planted vegetation; however, they do not change the current building coverage limits and thus do not alter the amount of potential housing available. Therefore, they are consistent with the housing goal.

(7) Economy Goal

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

The amendments ensure that our lakes, streams, and beaches, which are vital tourist attractions, are protected. Demand for nursery work and landscape maintenance businesses may increase as a result of the proposed amendments. This goal is satisfied.

(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 ordinance, in its purpose statement, acknowledges the aesthetic value of landscaping, and promotes beautification by requiring planted and landscaped areas in residential developments. This goal is satisfied.

(9) Transportation Goal

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

The ordinance and proposed amendments do not include any provisions authorizing any development and accordingly do not create additional traffic impacts. Through their environmental benefits, vegetation and pervious surfaces guard against runoff and erosion that can damage streets. Therefore, this goal is satisfied.

(10) Energy Goal

"To conserve energy."

The proposed amendments reduce the amount of pollutants entering the streets and stormwater system, thus reducing energy expenditures associated with maintenance costs. Though there is a potential for some increase in water usage and associated energy use, the amendments require or promote the use of plants that don't need watering once established or fertilizers. Therefore, the goal is satisfied.

(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 proposed ordinance amendments are intended to improve water quality and reduce erosion, both of which are vital to protecting the natural environment. The amendments do not restrict provision of housing. They add only modestly to the cost of development and decrease maintenance costs of services and facilities. This goal is satisfied.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, protect, and enhance the coastal resources of the city."

By limiting the potential for erosion and runoff that can have negative impacts on ocean and estuarine resources, shorelands, beaches, and dunes, the proposed amendments protect and preserve these resources. Therefore, the proposed amendments are consistent with this goal.

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



02 18
000554470
MAILED FROM ZIP CODE 97357

UNITED STATES POSTAGE
FIRST CLASS

\$ 01.90

JUL 23 2010