



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/22/2011

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 005-11

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: Thursday, January 05, 2012

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: Richard Townsend, City of Lincoln City
Angela Lazarean, DLCD Urban Planner
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	DEC 16 2011
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Lincoln City**

Local file number: **ZOA 2011-04**

Date of Adoption: **12/12/11**

Date Mailed: **12/15/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/6/11

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amend Chapter 17.47 of the Lincoln City Municipal Code. The ordinance adopts a supplemental map for coastal erosion hazard zones along dune and bluff backed shorelines. The ordinance also codifies a requirement that development in ocean bluff areas be set back from the edge of the bluff a distance of at least 60 times the annual erosion rate plus five feet. Standards for geologic hazard reports are established, and compliance with requirements of geological reports is required. Portions of the ordinance were re-organized for clarity.

Does the Adoption differ from proposal?

Yes. Standards for geologic hazards were included, and compliance with geological reports is required. Updated drafts of the proposed ordinance were provided to and reviewed by DLCD staff during the hearings process.

Plan Map Changed from: **n/a**

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Debra Martzahn, Senior Planner**

Phone: (541) 996-1228 Extension:

Address: **PO Box 50**

Fax Number: **541-996-1284**

City: **Lincoln City**

Zip: **97367**

E-mail Address: **dmartzahn@lincolncity.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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ORDINANCE NO. 2011-16

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
ADOPTING PROVISIONS RELATING TO DEVELOPMENT IN NATURAL HAZARD
AREAS; AMENDING ORDINANCE NO. 84-02, AS AMENDED;
AND AMENDING LINCOLN CITY MUNICIPAL CODE CHAPTER 17.47**

The City Council finds:

- A. The proposed amendments to the Zoning Ordinance Chapter 17.47 are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals, as addressed in attached Exhibit "A".
- B. The amendment process is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements. The City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments.
- C. The Planning Commission, on August 2, 2011, considered proposed amendments to this ordinance, and after a public hearing, unanimously voted to forward them to the City Council with a recommendation to adopt.
- E. The City Council opened a public hearing on the proposed amendments on August 8, 2011 that concluded on November 28, 2011, at which time the City Council requested staff to prepare an ordinance for adoption.
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

The City Council of Lincoln City ordains as follows:

Section 1. Lincoln City Municipal Code Chapter 17.47, Natural Hazards, Beaches and Dunes is amended in part by replacing §§17.47.020 and 17.47.030 with the following text:

17.47.020 Development in identified hazard areas.

A. Hazards Identified. Specific natural hazard areas have been identified in Environmental Geology of Lincoln County, Oregon, Bulletin 81 (State of Oregon Department of Geology and Mineral Industries, 1973) and Environmental Hazard Inventory (RNKR Associates, 1978), and other sources. They are depicted on the comprehensive plan natural hazards map, as supplemented by Priest, G.R., and Allan, J.C., 2004¹. For purposes of this chapter, in cases of conflict between a cited source and the map, as supplemented by the 2004 Priest and Allan report, the map, as so supplemented, will prevail.

¹ Priest, G. R., and Allan, J. C., 2004, *Evaluation of coastal erosion hazard zones along dune and bluff backed shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock*, Technical Report to Lincoln County (Oregon Department of Geology and Mineral Industries, Open-File Report O-04-09)

1
2 **B. Required Geo-technical Analysis.** Development of all types, except beach front protective
3 structures and natural means of beach protection, in hazard areas identified on the comprehensive
4 plan natural hazards map, supplemented, as specified in paragraph A, may not occur until an
5 engineering geologist, certified to practice in Oregon, completes a review of the project site. To
6 the extent the engineering geologist deems necessary, the review shall incorporate analysis and
7 recommendations of an Oregon-certified coastal engineer and of technical experts from other
8 fields outside of engineering geology. The review shall be prepared at the applicant's expense.
9 The geologist must submit (electronically) the review to the city as a written report that, if
written or last updated more than a year prior to the first building inspection, must be updated to
reflect current conditions. In reviewing the submitted geo-technical report, the city may consult
with, among others, the Oregon Department of Geology and Mineral Industries, the Department
of Land Conservation and Development, and a certified engineering geologist. All costs incurred
by the city to review the development are the responsibility of the applicant. The city assumes no
responsibility for the quality or accuracy of a geo-technical report.

10 **Report Contents.** Any geo-technical report must follow professional guidelines established by the
11 Oregon State Board of Geologist Examiners, and include an explanation of the degree the hazard
12 affects the property use in question, an explanation of the measures to be employed to minimize
13 losses associated with the hazard, including, but not necessarily limited to, erosion control,
14 vegetation removal, and slope stabilization, and an explanation of the hazard-associated
consequences the development and the loss-minimizing measures will have on the surrounding
properties.

15 For development activities of all types on a property in the coast erosion hazard zones, defined
16 by Priest and Allan, 2004, except for beach front protective structures and natural means of
ocean beach protection, the geo-technical report must include, but is not limited to, the following
items:

17 1. Site Description

- 18 a. The history of the site and surrounding areas, such as previous riprap or dune grading
permits, erosion events, exposed trees on the beach, or other relevant local knowledge
of the site.
- 19 b. Topography, including elevations and slopes on the property.
- 20 c. Vegetation cover.
- 21 d. Subsurface materials – the nature of the rocks and soils.
- 22 e. Conditions of the seaward front of the property, particularly for sites having a sea cliff.
- 23 f. Presence of drift logs or other flotsam on or within the property.
- 24 g. Description of streams or other drainage that might influence erosion or locally reduce
the level of the beach.
- 25 h. Proximity of nearby headlands that might block the long shore movement of beach
sediments, thereby affecting the level of the beach in front of the property.
- 26 i. Description of any shore protection structures that may exist on the property or on
nearby properties.
- j. Presence of pathways or stairs from the property to the beach.
- k. Existing human impacts on the site, particularly those that might alter the resistance to
wave attack.

2. Description of the Fronting Beach
 - a. Average widths of the beach during the summer and winter.
 - b. Median grain size of beach sediment.
 - c. Average beach slopes during the summer and winter.
 - d. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.
 - e. Presence of rip currents and rip embayment that can locally reduce the elevation of the fronting beach.
 - f. Presence of rock outcrops and sea stacks, both offshore and within the beach zone.
 - g. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.
3. Analyses of Erosion and Flooding Potential
 - a. Analysis of DOGAMI beach monitoring data available for the site.
 - b. Analysis of human activities affecting shoreline erosion.
 - c. Analysis of possible mass wasting, including weathering processes, land sliding or slumping.
 - d. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or fore dune (see Stockdon, 2006²).
 - e. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.
 - f. For dune-backed shoreline, use an appropriate fore-dune erosion (Komar et al. 1999³) or time-dependent erosion model (e.g. Kriebel and Dean, 1993⁴) to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visit, aerial photo analysis, or analysis of DOGAMI beach monitoring data.
 - g. For bluff backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion.
 - h. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.
 - i. An estimation of the annual erosion rate at the site.
4. Assessment of Potential Reactions to Erosion Episodes
 - a. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).
 - b. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.
 - c. An annual erosion rate for the property.
5. Recommendations

² Stockdon, H. F., Holman, R. A., Howd, P. A., and Sallenger, A. H., 2006, Empirical parameterization of setup, swash, and runup: Coastal Engineering, v. 53, no. 7, p. 573-588.

³ Komar, P. D., McDougal, W. G., Marra, J. J., and Ruggiero, P., 1999, The rational analysis of setback distances: Applications to the Oregon coast: Shore & Beach, v. 67, p. 41-49.

⁴ Kriebel, D. L., and Dean, R. G., 1993, Convolution method for time-dependent beach-profile response: Journal of Waterway, Port, Coastal and Ocean Engineering, v. 119, no. 2, p. 206-226.

- a. Based on results from the above analyses, recommended setbacks, building techniques, or other mitigation to ensure an acceptable level of safety and compliance with all local requirements.
- b. A plan for preservation of vegetation and existing grade within the setback area, if appropriate.
- c. Consideration of a local variance process to reduce the building setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard.
- d. Methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system), or if not possible, to direct water in such a way so as to not cause erosion or visual impacts.

C. Compliance. Permitted development shall comply with the recommendations in any required geo-technical report and any report required by the building code.

At the time of footing inspection, or, if no footing inspection is required, at the time of the first building inspection, the author of the geo-technical report must certify that the development was constructed in accordance with the report's recommendations.

D. Bluff Setback. No bluff setback is required for public infrastructure, beach front protective structures, or natural means of beach protection. The footprint of any other new structure or any horizontal addition requiring at least one footing in ocean bluff areas must be set back from the bluff a distance of at least 60 times the annual erosion rate (determined by the geo-technical analysis) plus five feet. The bluff, for this purpose, shall be determined by the city through inspection of aerial photos, the most recent LIDAR data, and the dividing line between the active and the high-risk erosion zones identified in the 2004 Priest maps referenced above. If the planning director cannot determine the location of a bluff, the geo-technical analysis, provided at the applicant's expense, shall determine an appropriate site for the structure, if one exists.

If damaged, an existing structure that does not conform to the setback may be rebuilt in conformance with Chapter 17.64, Non-conforming Uses and Structures. Reconstruction shall comply with recommendations provided in a report from an engineering geologist, a registered engineer, or both, as determined necessary by the building official.

E. Other policies that apply. If structures to protect shorelands, beaches and dunes, or flood areas are proposed, comprehensive plan "Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources" Policies 7, 8, 9, 21 and 22 also apply.

17.47.030 Development in ocean beaches and dune areas. This section ensures compliance with Statewide Goal 18.

A. Use permitted/prohibited. Residential development and commercial and industrial buildings are prohibited on active fore-dunes, conditionally stable fore-dunes that are subject to ocean undercutting or wave overtopping, and deflation plains that are subject to ocean flooding.

1 Other development that does not disturb the dune and dune vegetation significantly (e.g. fences
2 that do not affect sand erosion or migration, a board walk) may be permitted in these areas, only
3 if:

4 1. The development as approved with any conditions and measures to be employed to
5 minimize losses associated with ocean undercutting, wave overtopping, and ocean flooding, is
6 not likely to be subject to significant losses associated with these hazards during the design life
7 of the development, or is of nominal value; and

8 2. The development as approved with any conditions and measures to be employed to
9 minimize losses associated with ocean undercutting, wave overtopping, and ocean flooding,
10 will not have significant adverse consequences associated with these hazards on surrounding
11 properties.

12 3. A geo-technical review, as described in Section 17.74.020.B above, is completed for
13 development activities of all types, except beach front protective structures and natural means
14 of ocean beach protection. The written geo-technical report for this purpose must include the
15 following information, in addition to other stated requirements:

16 a. The type of proposed use and the adverse effects it might have on the site and the
17 surrounding area. As used in this subsection, "adverse effects" are those that create a hazard
18 to life, public or private property, or the natural environment.

19 b. The measures to be employed to protect the site and the surrounding area from adverse
20 effects created by the use; and

21 c. An explanation of the hazard-associated consequences the development and the loss-
22 minimizing measures will have on the surrounding properties.

23 B. Limit on permitted development. Development, except for beach front protective structures
24 and natural means of ocean beach protection, in ocean beach and dune areas will be permitted
25 only if the development predictably can be designed, so that there will be no significant adverse
26 impacts on the site and on adjacent properties from geologic hazards, wind erosion, and water
erosion caused by ocean flooding, storm waves, or other causes, and is consistent with the
requirements of Shoreland Policy 8.

C. Grading and breaching of fore-dunes. Grading and breaching of fore-dunes is prohibited.

D. Protective Structures. The city will rely on the State of Oregon Parks and Recreation
Department (OPRD) to control the development of beach front protective structures and natural
means of protection; however, the state will not issue a permit until the city has had an
opportunity to determine that such protection complies with the applicable provisions of this
chapter, including this subsection. Protective structures must be kept in good repair and are
subject to additional compliance standards as well as enforcement under Chapter 8.10.

E. Protection Project Permits. Shoreland (other than ocean beachfront) protection projects, such
as groins, bulkheads and sea walls, may not begin until a permit is obtained from the city. No
approval to the state or city permit for a shoreland protection project will be issued until the
developer has supplied to the city a plan, prepared by a certified engineering geologist or by a
registered professional engineer qualified to practice geo-technical engineering, which indicates
the nature and scope of the proposed protective activity. Nonstructural means of protection that
will be effective to control erosion must be the first order of consideration in protecting

1 shorelands. The use of structures, such as groins, bulkheads or sea walls, will not be allowed
2 unless nonstructural means cannot protect the property and the adverse consequences created by
3 such structures, both erosion-related and aesthetic, will be insignificant.

4 F. Vegetation. If vegetation is to be removed because of the development of any protection
5 structure, a re-vegetation plan must be submitted. The plan must illustrate how vegetation
6 removal will be minimized to prevent dune form alteration and exposure to erosion. The plan
7 must provide for re-vegetation as extensive as or greater than exists prior to disruption. The
protection structure will be approved by the state or permitted by the city only if the vegetation
removal and the re-vegetation will be conducted so as to prevent dune form alteration and
exposure to erosion resulting from the removal and re-vegetation.

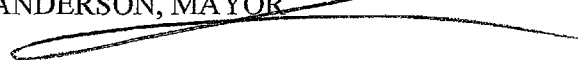
8 G. Groundwater. No development in ocean beach and dune areas may use existing groundwater
9 sources as a primary domestic water source. Developments may use existing groundwater
10 sources for limited irrigation purposes, after securing all necessary state permits, and the
11 submission to and approval by the city of written findings, prepared by a certified engineering
geologist or by a registered professional engineer qualified to practice geo-technical engineering,
that the irrigation will not cause groundwater draw down to levels which would lead to loss of
stabilizing vegetation or intrusion of salt water into the groundwater supply.

12 **Section 2. Delegation of Authority to Correct Errors.** The City Council delegates to the City
13 Recorder the authority to make any required corrections due to scrivener's errors, including but
14 not limited to cross-references, and to make such changes prior to codifying this ordinance.

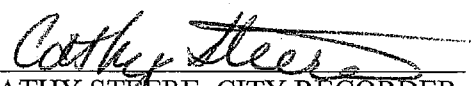
15 **Section 3. Severance.** In the event that any provision of this ordinance is determined by a court
16 of competent jurisdiction to be invalid or unenforceable, such invalid provision shall be severed
and the remaining provisions of the ordinance that have not been held invalid or unenforceable
shall continue to be valid and enforceable to the fullest extent permitted by law.

17 **Section 4. Effective Date.** This ordinance takes effect thirty (30) days after the date of its
18 adoption.

19
20 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City on this 12th day of
21 December, 2011.

22 
23 DICK ANDERSON, MAYOR
24 

25 ATTEST:

26 
CATHY STERE, CITY RECORDER

**ORDINANCE 2011-16
PROVISIONS RELATING TO DEVELOPMENT
IN NATURAL HAZARD AREAS**

EXHIBIT A

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

All documents relating to this proposal were made available for public review and purchase. Staff was available to interpret and explain the technical information. All affected property owners were noticed regarding the public hearings on the proposed zoning ordinance amendments and hearing notices were published in the local paper in accordance with notice requirements. The draft ordinance and maps showing bluff erosion hazard were available on the city’s website. The amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered amendment to Chapter 17.47 of the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. The amendments are consistent with the Comprehensive Plan goals and policies.

(3) Goal 3: Agricultural Lands

“To preserve and maintain agricultural lands.”

The area affected by the proposed zoning ordinance amendments is located within the city’s urban growth boundary. The area currently is designated and zoned for urban development. No agricultural lands will be affected by the amendment. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

“To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

The area affected by the proposed zoning ordinance amendment is located within the city’s urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

“To protect natural resources and conserve scenic and historic areas and open spaces.”

Chapter 17.47 updates and clarifies regulations regarding preparation of geo-technical reports for development in hazard zones. The reports specify appropriate development techniques and necessary precautions. The amendments also codify the city’s bluff setback policy. Consequently, the amendments will help to preserve the bluff, which is an important natural, scenic, and historic resource, and which adjoins the significant open space of the beach. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

“To maintain and improve the quality of the air, water and land resources of the state.”

The amendments require a bluff setback and proper development techniques in hazard areas, based on recommendations in site-specific geo-technical reports. These reports address erosion control and handling of storm water and, therefore, are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

“To protect people and property from natural hazards.”

These amendments to the city’s regulation of natural hazards, beaches, and dunes update and clarify the ordinance. The city, with assistance from DOGAMI and DLCD staff, incorporates in the amendments new hazards information and standards for geo-technical reports. The amendments, therefore, are consistent with Goal 7.

(8) Goal 8: Recreational Needs

“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”

The bluff, beaches, and dunes provide unique active and passive recreation opportunities for Lincoln City residents and millions of tourists. Updates to their regulation and protection, therefore, are consistent with Goal 8.

Goal 9: Economic Development

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important to the Lincoln City economy. The amendments to strengthen Chapter 47, therefore, are consistent with Goal 9.

(10) Goal 10: Housing

“To provide for the housing needs of citizens of the state.”

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the amendments promote safe and sound housing. The amendments, therefore, are consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Regulations that protect people and property from natural hazards also protect public infrastructure. Public infrastructure is exempt from the newly established bluff setback to allow for repair of existing services and placement of new services, as necessary. The amendments, therefore, are consistent with Goal 11.

(12) Goal 12: Transportation

“To provide and encourage a safe, convenient and economic transportation system.”

Regulations that protect people and property from natural hazards also protect public infrastructure. Public infrastructure is exempt from the newly established bluff setback to allow for repair of existing facilities and placement of new facilities, as necessary and appropriate. The amendments, therefore, are consistent with Goal 12.

(13) Goal 13: Energy Conservation

“To conserve energy.”

The amendments have no direct impact on use or conservation of energy, or on the land use, to the extent that development is deemed appropriate and safe by site specific geo-technical analysis. The amendments, therefore, are consistent with Goal 13.

(14) Goal 14: Urbanization

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The amendments have no direct impact on the land use, except that they update and clarify requirements that development in hazard zones conforms to recommendations based on site specific geo-technical analysis. The amendments, therefore, are consistent with Goal 14.

(15) Goal 15: Willamette River Greenway

“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

“To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.”

The amendments clarify and update regulations on areas adjacent to a designated estuarine resource (i.e., Siletz Bay). The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

“To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon’s coastal shorelands.”

The city’s coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet

of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The shorelands include some areas prone to hazards. The amendments more accurately delineate coastal erosion hazard areas, as determined by the 2004 Priest and Allan study. The amendments also set standards for contents of geo-technical reports required for development in the coastal erosion hazard areas. The amendments strengthen the ordinance, and therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

“To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments retain the stringent Goal 18 restrictions for development of beaches and dunes, and clarify where they apply. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

“To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.”

The amendments strengthen regulations for hazard areas adjoining the ocean and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

“Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.”

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendment by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

Public services and utilities generally are in place already in the areas affected by this ordinance. The amendments exempt public infrastructure from the newly established bluff setback to allow for repair of existing services and placement of new services, as necessary and appropriate. The amendments are consistent with this goal.

(4) Urbanization Goal

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

The amendments do not affect land use, other than ensuring that development in areas of natural hazards complies with recommendations based on site specific geo-technical reports. The amendments are consistent with this goal.

(5) Natural Hazard Goal

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

The ordinance protects life and property by requiring site-specific geo-technical analysis and recommendations for development of properties in areas of natural hazards, and by restricting development in inappropriate areas (e.g., beaches and active dunes). The amendments update and clarify these regulations, so are consistent with this goal.

(6) Housing Goal

“To provide for the housing needs of all citizens.”

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the amendments promote safe and sound housing. The amendments, therefore, are consistent with this 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.”

Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important for the Lincoln City economy. These amendments to strengthen Chapter 47, therefore, are consistent with this goal.

(8) Aesthetic Goal

“To develop a livable and pleasing city which enhances man’s activities while protecting the exceptional aesthetic quality of the area.”

Amendments to Chapter 17.47 codify the city’s bluff setback policy, and update and clarify requirements for development in hazard zones. Required geo-technical reports specify appropriate development techniques and necessary precautions. The amendments, consequently, will help preserve the city’s natural features, including the bluff, which are important components of Lincoln City’s exceptional aesthetic quality. The amendments are consistent with this goal.

(9) Transportation Goal

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

Regulations that protect people and property from natural hazards also protect public infrastructure from damage. Public infrastructure is exempt from the newly established bluff setback to allow for repair of existing facilities and placement of new facilities, as necessary and appropriate. The amendments, therefore, are consistent with this goal.

(10) Energy Goal

“To conserve energy.”

The amendments have no direct impact on use or conservation of energy, or on the use of land, to the extent that site-specific geo-technical analysis deems development in hazard areas appropriate and safe. The amendments, therefore, are consistent with this goal.

(11) Overall Environmental Goal

“To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city.”

The amendments clarify and strengthen Chapter 17.47, which restricts development in sensitive environmental areas and requires site-specific geo-technical analysis to guide development in areas that are vulnerable to natural hazards. These amendments contribute to this goal.

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

“To conserve, to protect, to enhance the coastal resources of the city.”

The 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. Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments retain the stringent Goal 18 requirements and clarify where they apply. The amendments also update and clarify regulation of development in other areas prone to natural hazards. The amendments are consistent with this goal.

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