Oregon
Kate Brown, Governor

Department of Land Conservation and Development
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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 16, 2015

Jurisdiction: City of Lincoln City

Local file no.: CPA & ZC 2015-04

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/15/2015. 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

DLCD FORM 2

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

FOR DLCD USE
File No.: 005-15 {24001}
Received: 12/15/2015

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.: **CPA & ZC 2015-04**

Date of adoption: 11/23/2015 Date sent: 12/15/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?
Yes: Date (use the date of last revision if a revised Form 1was submitted): 09/01/2015
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Two properties not consenting to the amendment were not included in the final ordinance.

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

Phone: 541-996-1227 E-mail: rtown@lincolncity.org

Street address: 801 SW Highway 101 City: Lincoln City Zip: 97367-

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PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

Change from Single-Family Residential to Vacation Rental .52 acres. A goal exception was required for this change.

Change from Medium Density Residential to Vacation Rental 11.34 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): See attached list.

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 R-1-7.5	to VR Vacation Rental	Acres: 11.34
Change from R-1-5	to VR Vacation Rental	Acres: .52
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:

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

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

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

ORDINANCE NO. 2015-17

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM THE MEDIUM DENSITY RESIDENTIAL (R-7.5) AND SINGLE-FAMILY RESIDENTIAL (R-5) DISTRICT TO THE VACATION RENTAL (VR) DISTRICT AND AMENDING THE ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM THE SINGLE-FAMILY RESIDENTIAL (R-1-5 AND R-1-7.5) ZONE TO THE VACATION RENTAL (VR) ZONE FOR APPROXIMATELY 12 ACRES OF LAND GENERALLY WEST OF SW COAST AVENUE AND SW BEACH AVENUE, EAST OF SW ANCHOR AVENUE, NORTH OF SW 28TH STREET, AND SOUTH OF SW 24TH DRIVE

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

> **2.1 Powers of the City**
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> **2.2 Construction of Charter**
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,*20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on amendment of the City's Comprehensive Plan Map and Zoning Map (adopted by Ordinance No. 84-01, as amended) on October 6, 2015 and recommended that the subject properties be rezoned; and

WHEREAS, the Oregon Department of Land Conservation and Development was notified of the proposed amendment on September 1, 2015; and

WHEREAS, The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan Map and Zoning Map on November 9, 2015; and

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

NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. The Comprehensive Plan Map of Lincoln City is hereby amended to change the Comprehensive Plan Map designation to "Vacation Rental (VR)" on the 101 parcels listed in attached Exhibit "B" and depicted on the map in attached Exhibit "C".

SECTION 2. The Zoning Map of Lincoln City is hereby amended to change the zoning designation to Vacation Rental (VR)" on the 101 parcels listed in attached Exhibit "B" and as depicted on the map in attached Exhibit "C".

SECTION 3. Rezoning to the Vacation Rental (VR) zone of the 101 parcels listed in attached Exhibit "B" and as depicted on the map in attached Exhibit "C" removes any accessory use limitation relating to those parcels that were imposed as a part of any conditional use approval or any other land use approval for an accessory use vacation rental dwelling. All other terms and conditions of such conditional use and other land use approvals consistent with the Vacation Rental (VR) zone remain in full force and effect.

SECTION 4. Findings Adopted. The findings contained in the Whereas Clauses of this ordinance, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Savings. Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or

administrative code enforcement cases or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 7. Effective Date. This ordinance shall be in full force and effect 30 days after its adoption.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 4-8) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on November 23, 2015 (First Reading) and on November 23, 2015 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day of November 2015.

DON WILLIAMS, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

ORDINANCE 2015-17

EXHIBIT A

FINDINGS

A. Lincoln City Comprehensive Plan Goals

1. Land Use Planning Goal

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

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

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

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

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

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

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

2. Citizen Involvement Goal

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

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

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

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

3. Public Services and Utilities Goal

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

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

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

This goal is satisfied.

4. Urbanization Goal

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

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

5. Natural Hazard Goal

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

The area of the proposed map amendments generally is not subject to identified natural hazards. The only exceptions are the two lots on the west side of SW Anchor Avenue, which already are developed and which are subject to coastal erosion hazards. When they were proposed for development they were subjected to geotechnical engineering review. The city has provisions in place that control development in hazardous areas through such things as requirements for compliance with federal floodplain development regulations and geotechnical engineering review. These provisions will ensure appropriate review if any unknown hazards are discovered. This goal is met.

6. Housing Goal

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

The proposed rezoning ordinance would convert part of an area zoned R-1 for single family residences to the new VR zone. The VR zone allows exactly the same uses as the R-1 single-family zone, with the exception of allowing VRDs as a principal use rather than as an accessory use. Since the use of a dwelling as a full-time VRD is considered to be a commercial use, the proposed ordinance could result in the conversion of some land currently zoned for residential use to commercial use. However, all the land proposed for rezoning to the VR zone will continue to be available for residential development since residential use will be a permitted outright use, just as it is in the R-1 zone.

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

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

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 Comprehensive Plan states that Lincoln City's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. VRDs are tourist accommodations and are important contributors to the city's tourist economy.

The use of homes as vacation rentals has economic value to the city and the city as a whole benefits from economic activity by tourists. By establishing an additional area where VRDs are allowed as the primary or principal use of a property the proposed rezoning would provide more opportunities for lawful tourist accommodations, thereby supporting the tourist economy of the city. This goal is met.

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 proposed ordinance does not itself alter the aesthetic character of the areas it would rezone from R-1 to VR. To extent the R-1 zone addresses aesthetics the VR zone is identical (e.g. in terms of required yard setbacks and required design features). Moreover, the municipal code, in other sections, addresses such aesthetic matters for VRDs as landscaping, helping to protect the aesthetic quality of areas in which they are allowed. Since the existing zoning ordinance has been found to be consistent with the comprehensive plan, including this goal, 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 VR zone does not allow development at a density greater than that already allowed by the existing R-1 zone. Thus there will not be more intensive development as a result of the rezoning, and accordingly the city's transportation system should not be adversely affected. Moreover, since the area proposed for VR zoning are close to attractions and commercial facilities it is likely that visitors staying in VRDs allowed will tend to take relatively short trips and likely they will take may trips as pedestrians.

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

10. Energy Goal

"To conserve energy."

The VR zone contains locational criteria that would be applied by the proposed rezoning, placing tourists in close proximity to recreational opportunities and attractions. By directing tourists to such areas and authorizing additional VRD usage (above the existing limited residential authorization), energy savings can be realized. This savings is based on the notion that the length of vehicle trips to daily goods, services and attractions would be reduced, and even eliminated by walking, if tourists were located closer to those destinations and services. 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 rezoning does not by itself authorize any development that is not already allowed. The area proposed for VR zoning already is fully urbanized. The City compiled an inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas. Resources deemed to be significant were evaluated to determine whether, and to what extent, to allow conflicting uses. The City adopted a protection program, the Natural Resources Overlay, which balances protection and land use. These protections will apply in the VR zone exactly as they do now in the R-1- zone. This goal is satisfied.

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

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

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

B. Statewide Planning Goals

1. Goal 1 – "Citizen Involvement" The subject application was made available at no cost on the City's website and also was available for public review and purchase at the counter. Assistance was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements. Mailed notices were sent to impacted property owners pursuant to Measure 56. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. The amendments are consistent with Goal 1.

2. Goal 2 - "Land Use Planning" This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal. The proposed rezoning is integrated and consistent with the planning process and policy framework; specifically the ordinance furthers compliance with existing policies to stabilize and protect existing residential neighborhoods from incompatible uses as well as supporting the tourist economy. The ordinance is consistent with Goal 2.

3. Goal 3 – "Agricultural Lands" The areas affected by the proposed rezoning are located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the rezoning. Therefore, Goal 3 is not applicable.

4. Goal 4 – "Forest Lands" The areas affected by the proposed rezoning are located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.

5. Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas affected by the proposed rezoning are located within the City's Urban Growth Boundary. They do not include any areas currently zoned Open Space or Park. They do not include the city's one property listed on the National Register of Historic Places, the Dorchester House. The findings concerning the Overall Environmental Goal as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Goal are incorporated herein by this reference. The proposed ordinance is consistent with Goal 5.

6. Goal 6 – "Air, Water and Land Resources Quality" Because the proposed rezoning allows only uses already allowed under the existing zoning (except that VRs would be allowed as principal uses rather than just as accessory uses), the rezoning will not serve to increase the waste and process discharges already being generated within the affected areas. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The proposed VR district requires the availability of the full complement of public facilities and services before its application. The findings concerning the Overall Environmental Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 6.

7. Goal 7 – "Areas Subject to Natural Disasters and Hazards" The areas affected by the proposed rezoning do not include any identified Natural Hazards areas. The only exceptions are the two lots on the west side of SW Anchor Avenue, which already are developed and which are subject to coastal erosion hazards. When they were proposed for development they were subjected to geotechnical engineering review. The city already has acknowledged ordinance standards relating to development in hazard areas, and the VR zone does not authorize (or exempt) any development inconsistent with these natural hazard standards. The findings concerning the Natural Hazard Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 7.

8. Goal 8 – "Recreational Needs" The areas affected by the proposed rezoning do not include any areas zoned for open space or park use, nor does the VR zone authorize any development inconsistent with the recreational needs of the community, region, or state. The area proposed for rezoning is adjacent to or close to such recreational resources as the beach and the Olivia Beach green and pool. The proposed ordinance is consistent with Goal 8.

9. Goal 9 – "Economic Development" The proposed rezoning does not adversely affect the availability of land suitable for industrial and commercial development. The existing Zoning Code, implementing the Comprehensive Plan directs full time commercial vacation rental operations into commercial and mixed use zones, and the new VR zone is a mixed use zone. As noted in the findings relating to the city's Economy Goal point out, allowing commercial use of VRDs supports the tourist economy of the city. The findings concerning the Economy Goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 9.

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

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

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

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

14. Goal 14 – "Urbanization" The proposed rezoning affects a relatively small area of land zoned for multiple-family development and rezoning it would result in a slight decrease in the allowed density of the development in the area. But the area already is platted for single-family development. Accordingly the proposed rezoning does not tend to promote the expansion of the Urban Grown Boundary. The findings concerning the Comprehensive Plan Land Use goal, Housing goal and Urbanization goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 14.

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

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

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

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

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

C. VR Zone Criteria

Ordinance No. 2014-21, which established the VR zone, includes some criteria against which an area's suitability for rezoning to the VR zone must be measured. These are addressed here.

1. Proximity to attractions and recreation uses

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

2. Public facilities and Services

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

3. Discrete geographic area

VR zoned areas are to be established in "discrete geographic areas devoted to vacation rentals or as a transition between commercial zones and purely residential zones, and therefore [facilitate] the protection and stability of established neighborhoods. The subject property is a relatively compact, discrete geographic area of about 12 acres which is largely topographically separated from surrounding residential neighborhoods outside of Olivia Beach, thus protecting them from the impacts of VRD usage. This criterion is met.

ORDINANCE 2015-17

EXHIBIT B

	A	B	C	D	E	F	G
1	**PARCELID**	**OwnName**	**Address1**	**Address2**	**Address3**	**CtyStZip**	**Shape_Area**
2	07-11-22-CA-02300-00	GUPTA SHANTANU &	GUPTA JACQUELINE A	8011 NW BLUE POINT		PORTLAND, OR 97229	3400.19
3	07-11-22-CA-02400-00	HAGEL MICHAEL &	HAGEL SHAWN	14979 SW JULIET TERRACE		TIGARD, OR 97224	3725.26
4	07-11-22-CA-02602-00	MASCHMEYER WAYNE K	387 V STREET			SPRINGFIELD, OR 97477	3736.43
5	07-11-22-CA-06200-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	10791.66
6	07-11-22-CA-06300-00	YEE PHILIP B &	YEE SUSAN B	922 NW 11TH AVE		PORTLAND, OR 97209	4025.91
7	07-11-22-CA-06400-00	OLIVIA GORSHE LLC	16755 NW SANDELIE CT			BEAVERTON, OR 97006	3745.01
8	07-11-22-CA-06500-00	DEASON MARK S &	DEASON CARA L W	16913 NE 37TH CIRCLE		VANCOUVER, WA 98682	3745.01
9	07-11-22-CA-06600-00	RIEGELMANN JAMES N &	RIEGELMANN FRIEDA A	4728 SE OXBOW PKWY		GRESHAM, OR 97080	3745.09
10	07-11-22-CA-06700-00	JENSEN RITCHIE ALAN &	JENSEN THREASA MARIE	2362 EASTON AVE		RICHLAND, WA 99354	3745.01
11	07-11-22-CA-06800-00	NOCE ROBERT J &	NOCE HEIDI P	868 BANDOL WAY		SAN RAMON, CA 94582	3745.01
12	07-11-22-CA-06900-00	YIGZAW THEODROS &	YIGZAW ERIKA PETERSEN	21505 SW CHAPMAN RD		SHERWOOD, OR 97140	3745.08
13	07-11-22-CA-07000-00	MINK KRISTOPHER C &	MINK CHAREASE D	5250 SW DOGWOOD LN		PORTLAND, OR 97225	3745.01
14	07-11-22-CA-07100-00	VELASCO GEORGE R &	VELASCO MICHELLE	20890 WESTBURY RD		RIVERSIDE, CA 92508	3745.02
15	07-11-22-CA-07200-00	STILLE VICKI L &	STILLE MARK E	2177 HARITHY DR		DUNN LORING, VA 22027	3737.00
16	07-11-22-CA-07400-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	2344.83
17	07-11-22-CA-07500-00	PARKER STEPHEN P TRUSTEE &	PARKER CYNTHIA A TRUSTEE	PO BOX 4512		SALEM, OR 97302	5672.94
18	07-11-22-CA-07600-00	HASKINS KIMBERLY M &	HASKINS BROOK A	3578 NW GERRITZ TER		PORTLAND, OR 97229	5071.30
19	07-11-22-CA-07700-00	ZAPPITELLO BRIAN K &	ZAPPITELLO MARY BETH	10650 NW TUDOR LN		PORTLAND, OR 97229	5073.95
20	07-11-22-CA-07800-00	MINK KRISTOPHER C &	MINK CHAREASE D	5250 SW DOGWOOD LN		PORTLAND, OR 97225	5076.76
21	07-11-22-CA-07900-00	BEACHHAVEN LLC	ATTN CRAIG CHARLES KOZAK &	BARBARA KAY KOZAK	11360 SW NOVA CT	TIGARD, OR 97223	5079.47
22	07-11-22-CA-08000-00	JOHN WALKER CLINTON &	JOHN CORINNA DELIA	2520 CEDAR PARK LOOP SE		OLYMPIA, WA 98501	4275.79
23	07-11-22-CA-08100-00	VANVALIN DONALD &	VANVALIN TRICIA	11002 SW KOLLER ST		TUALATIN, OR 97062	4279.42
24	07-11-22-CA-08200-00	ABBATE JEFFREY A &	ABBATE CYNTHIA S	8535 SW WOLDS DR		BEAVERTON, OR 97007	5450.25
25	07-11-22-CA-08300-00	MORNEAULT MICHAEL E TRUSTEE &	MORNEAULT ELIZABETH TRUSTEE	14945 SW BROOKLET PLACE		TIGARD, OR 97224	3752.27
26	07-11-22-CA-08400-00	LEVINE DAVID P &	LEVINE NANCY P	1595 ROSEMONT RD		WEST LINN, OR 97068	2832.97
27	07-11-22-CA-08500-00	DYMENT DAVID L &	DYMENT PENNI L	1107 SE 187TH AVE		VANCOUVER, WA 98683	3675.62
28	07-11-22-CA-08600-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	23452.55
29	07-11-22-CA-08700-00	EIKREM DAVID A &	EIKREM PAMELA W	1502 KESSLER BLVD		LONGVIEW, WA 98632	4091.69
30	07-11-22-CA-08800-00	SMITH MICHAEL C TRUSTEE &	SMITH VICTORIA T TRUSTEE	PO BOX 497		LINCOLN CITY, OR 97367	2799.96
31	07-11-22-CA-08900-00	BLUMLING JOUIS J JR &	BLUMLING LESLIE L	11317 E RAINTREE DR		SCOTTSDALE, AZ 85255	2800.05
32	07-11-22-CA-09000-00	FAROGHI ARMAN &	FAKHER AZITA	44 MORNINGVIEW CIRCLE		LAKE OSWEGO, OR 97035	2800.05
33	07-11-22-CA-09100-00	PAULL DAVID S TRUSTEE &	PAULL AMANDA L TRUSTEE	2567 NW CANNON WAY		PORTLAND, OR 97229	4117.57
34	07-11-22-CA-09200-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	34112.78
35	07-11-22-CA-09300-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	24130.84
36	07-11-22-CA-09400-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	3925.81
37	07-11-22-CA-09500-00	BALLARD JAMES C &	CHILD MYRON G	22925 SW MIAMI PL		TUALATIN, OR 97062	4135.96
38	07-11-22-CA-09600-00	LOVE HARPER JESSICA	333 THE GREENS AVE			NEWBERG, OR 97132	4136.02
39	07-11-22-CA-09700-00	LUCAS DAVID A &	LUCAS MADELEINE A	4299 N VIA BELLAS CATALINAS		TUCSON, AZ 85718	4232.80
40	07-11-22-CA-09800-00	HARPER CHRISTOPHER R	333 THE GREENS AVE			NEWBERG, OR 97132	3971.51

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	A	B	C	D	E	F	G
41	07-11-22-CA-09900-00	RAFTER MATTHEW &	RAFTER VICKIE &	RAFTER BENJAMIN G	39311 SPYGLASS PL	DAVIS, CA 95616	2354.96
42	07-11-22-CA-10000-00	MESSER CHARLES J &	MESSER LAURA L	2785 SW ANEMONE AVE		LINCOLN CITY, OR 97367	2735.77
43	07-11-22-CA-10100-00	EDWARDS LINDA B &	EDWARDS GREGORY A	13625 SW LAUREN LN		TIGARD, OR 97223	2799.95
44	07-11-22-CA-10200-00	KELLEHER ROBERT M &	SCHAEFER GINA M	8999 SW GRAVENSTEIN LN		TIGARD, OR 97224	2800.00
45	07-11-22-CA-10300-00	GRIFFIN JAMES F &	GRIFFIN KAREN	5612 KIRKWOOD PLACE N		SEATTLE, WA 98103	4729.96
46	07-11-22-CA-10400-00	STENZEL ELIOT M &	STENZEL LAUREN V	1 FAWN CT		CEDAR CREST, NM 87008	4506.62
47	07-11-22-CA-10500-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4390.13
48	07-11-22-CA-10600-00	CHUZI KEN M &	LAMB GERRI S	2301 E MIRAVAL SEGUNDO		TUCSON, AZ 85718	4543.29
49	07-11-22-CA-10700-00	CAIN MARK P &	CAIN CHARLA R	11560 SUMMIT CIR		ZIONSVILLE, IN 46077	3409.67
50	07-11-22-CA-10800-00	GARRISON THOMAS &	GARRISON VIVIEN	19042 35TH PL		LAKE OSWEGO, OR 97034	4227.85
51	07-11-22-CA-10900-00	CLAYTON STEPHEN G &	CLAYTON SUSANNE	605 WELLER LN		ASHLAND, OR 97520	4424.15
52	07-11-22-CA-11000-00	LP INVESTMENT PROPERTIES LLC	ATTN: LUCAS DAVID A	4299 N VIA BELLAS CATALINAS		TUCSON, AZ 85718	4127.02
53	07-11-22-CA-11100-00	FARRELL THOMAS D &	FARRELL ELIZABETH M	1265 ARCHIE BRIGGS RD		BEND, OR 97701	3550.99
54	07-11-22-CA-11200-00	FARRELL THOMAS D &	FARRELL ELIZABETH M	1265 ARCHIE BRIGGS RD		BEND, OR 97701	3553.46
55	07-11-22-CA-11400-00	MARSHALL HELEN DENISE &	MARSHALL SUSAN L	1534 NW 114TH AVE		PORTLAND, OR 97229	4001.46
56	07-11-22-CA-11500-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5735.90
57	07-11-22-CA-11600-00	HURST DANIEL M &	HURST STACEE J	8925 SW MORGAN LN		MCMINNVILLE, OR 97128	5304.76
58	07-11-22-CA-11700-00	ROBERT DAVID JUDSON &	ROBERT STEPHANIE R &	ROBERT DOUGLAS B, ETAL	1404 VIGO COURT	DAVIS, CA 95618	6692.92
59	07-11-22-CA-11800-00	BEACH DREAMS LLC	2260 IBSEN AVE			COTTAGE GROVE, OR 97424	3941.73
60	07-11-22-CA-11900-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	3940.78
61	07-11-22-CA-12000-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	3988.48
62	07-11-22-CA-12100-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4622.18
63	07-11-22-CA-12200-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5149.62
64	07-11-22-CA-12300-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5808.25
65	07-11-22-CA-12400-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	6189.00
66	07-11-22-CA-12500-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5442.03
67	07-11-22-CA-12600-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5679.53
68	07-11-22-CA-12700-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5706.95
69	07-11-22-CA-12800-00	INGALLS PAUL &	INGALLS PAMELA	1823 FOOTHILL BLVD		CALISTOGA, CA 94515	5394.00
70	07-11-22-CA-12900-00	EARL SCOTT W &	EARL DINA J	2017 BELMONT LN	UNIT A	REDONDO BEACH, CA 90278	5176.07
71	07-11-22-CA-13000-00	HALLIN JEFFREY J &	HALLIN KELLY M	31501 SW ORCHARD DR		WILSONVILLE, OR 97070	5886.45
72	07-11-22-CA-13100-00	MELHUS BRENT A &	MELHUS MELISSA M	PO BOX 1546		CLACKAMAS, OR 97015	6387.68
73	07-11-22-CA-13200-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	7570.99
74	07-11-22-CA-13300-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	6087.96
75	07-11-22-CA-13400-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4701.28
76	07-11-22-CA-13500-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4590.75
77	07-11-22-CA-13600-00	DECEGLIE ELLEN M &	CLARK DENNIS R	4721 NE 66TH AVE		VANCOUVER, WA 98661	5323.40
78	07-11-22-CA-13700-00	OLIVIA BEACH HOA	ATTN THE MGMNT TRUST NW	17700 SW UPPER	BOONES FY RD, #120	PORTLAND, OR 97224	4560.54
79	07-11-22-CA-13800-00	RANGER CHRISTINE E &	RANGER BILLIE J	9221 SE RAYMOND ST		PORTLAND, OR 972661	4560.54
80	07-11-22-CA-13900-00	CRONIN DARCY R &	CRONIN KEVIN A	71 NE SAN RAFAEL		PORTLAND, OR 97212	4386.86

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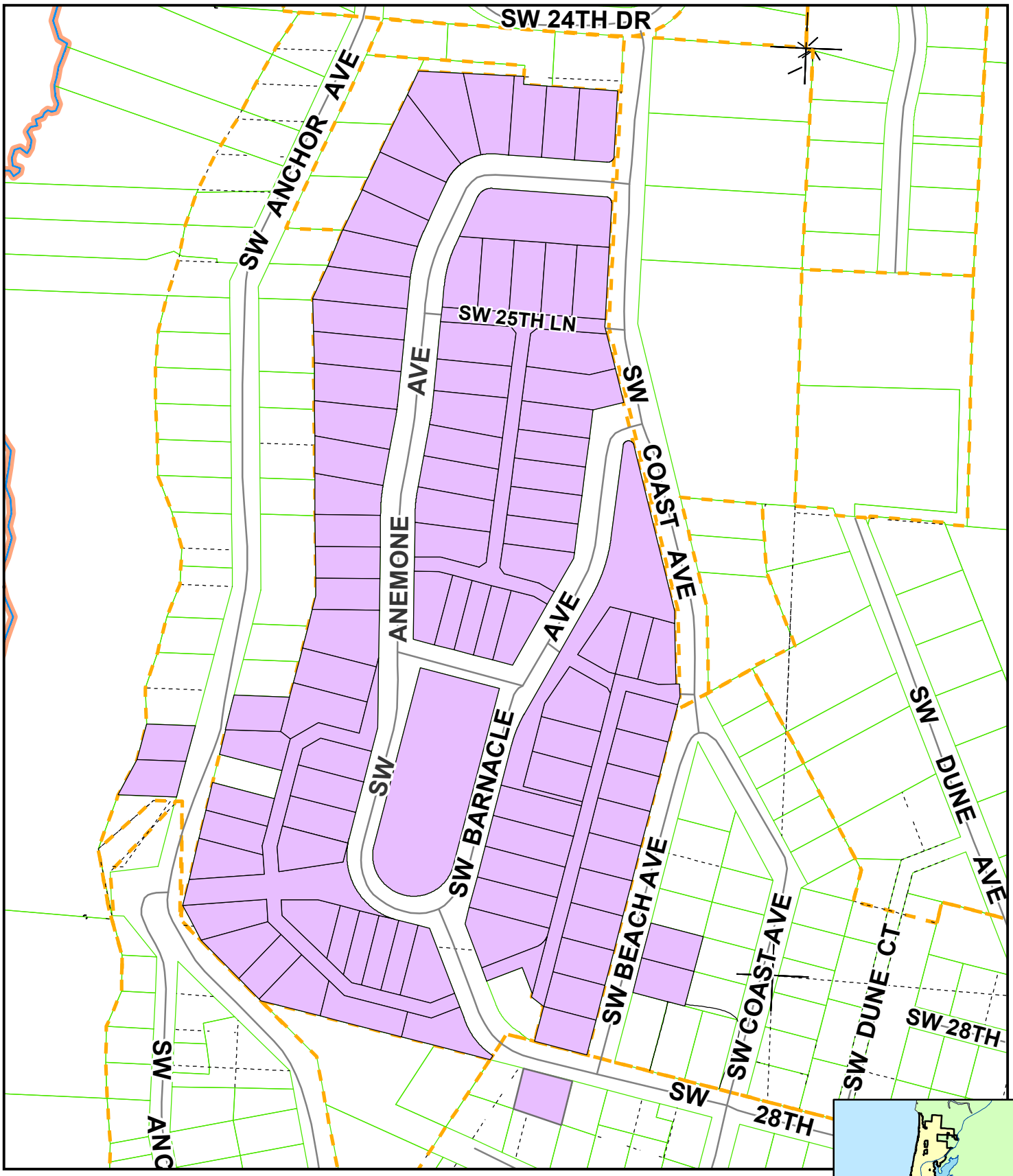
EXHIBIT B

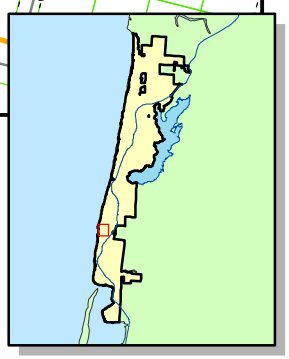
	A	B	C	D	E	F	G
81	07-11-22-CA-14000-00	HENDRICKSON MIEL &	HENDRICKSON JAMES C	1935 17TH ST NW #5		WASHINGTON, DC 20009	4400.05
82	07-11-22-CA-14100-00	BLUM DEREK &	BLUM MANDA	7920 SE REED COLLEGE PL		PORTLAND, OR 97202	4412.97
83	07-11-22-CA-14200-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4452.30
84	07-11-22-CA-14300-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	
85	07-11-22-CA-14400-00	DOE JOSEPH S &	DOE DEBRA A	3362 SOUTH VIEW DR		EUGENE, OR 97405	5666.48
86	07-11-22-CA-14500-00	ZWIERZYNSKI EARL ADRIAN &	ZWIERZYNSKI KAREN STACY	5676 SUNBURY AVE		CAMBRIA, CA 93428	4574.81
87	07-11-22-CA-14600-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	5316.30
88	07-11-22-CA-14700-00	GWYNNE GEORGE L TRUSTEE &	NAVONE GWYNNE MICHELLE L TSTEE	2586 SW ANEMONE AVE		LINCOLN CITY, OR 97367	4594.22
89	07-11-22-CA-14800-00	OLIVIA BEACH LLC	PO BOX 7534			OLYMPIA, WA 98507	4686.81
90	07-11-22-CA-14900-00	ROGERS WALLACE B JR &	ROGERS REBECCA	3416 ALDOUS AVE S		SALEM, OR 97302	5020.91
91	07-11-22-CA-15000-00	MCCOOG CAROL J &	MCCOOG PHILLIP A	2000 NE RIDGEWOOD DR		PORTLAND, OR 97212	4790.48
92	07-11-22-CA-15100-00	MATHESON DAVID S &	MATHESON LYNN H	16258 SW 103RD AVE		TIGARD, OR 97224	4385.37
93	07-11-22-CA-15200-00	LAMBERT THOMAS F JR &	SCHWEIGER RICHARD H &	SCHWEIGER PATRICIA A	3675 LANDIS ST	WEST LINN, OR 97068	3996.00
94	07-11-22-CA-15300-00	SILKOWSKI CHRISTOPHER D &	MOORE GALE B	10436 CRAWFORD CANYON RD		SANTA ANA, CA 92705	3995.99
95	07-11-22-CA-15400-00	BERNSTEIN JAMES E &	BERNSTEIN ELIZABETH C	219 7TH ST		OREGON CITY, OR 97045	3996.02
96	07-11-22-CA-15500-00	SCHULER ROBERT W &	BLANCHARD DEBRA A	8815 SW 155TH AVE		BEAVERTON, OR 97007	3996.02
97	07-11-22-CA-15600-00	ROSE DAVID A &	ROSE KATHLEEN A	12410 ERIN DR		AUBURN, CA 95603	3996.00
98	07-11-22-CA-15700-00	LEE DANNY J TRUSTEE &	WITTENAUER LEE MARGARET TRSTEE	1160 NW 122ND AVE		PORTLAND, OR 97229	6493.19
99	07-11-22-CA-15800-00	LEE DANNY J COTRUSTEE &	WITTENAUER LEE MARGARET	COTRUSTEE	1160 NW 122ND AVE	PORTLAND, OR 97229	6357.04
100	07-11-22-CD-00600-00	WALKOWSKI JESSICA &	WALKOSKI KELLY R	145 HIGH TEE CT		NEWBERG, OR 97132	3749.97
101	07-11-22-CD-00900-00	BRIGGS ERIN T		2746 SW BEACH AVE		LINCOLN CITY, OR 97367	3750.03
102	07-11-22-CD-06503-00	WHITE DAVID &	WHITE CYNTHIA	1104 NE 264TH ST		RIDGEFIELD, WA 98642	4441.00
103							**516725.73**
104							**11.86 acres**



Vicinity Map

City of Lincoln City

Ordinance 2015-17
Exhibit C - Re-Zoned Properties



Location

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