



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

May 19, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 006-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 2, 2008

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.

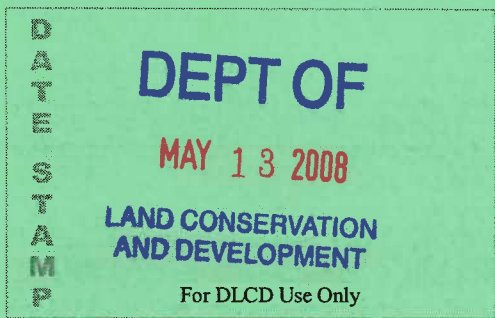
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Richard Townsend, City Of Lincoln City

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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: CPA/ZC 04-07
 Date of Adoption: 04/14/08 Date Mailed: 05/12/08
 Date original Notice of Proposed Amendment was mailed to DLCD: 12/21/07

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Amend the Comprehensive Plan map & zoning map to assign the "Oceanlake Plan District" designation to 35 tax lots that were omitted in the initial adoption of the Oceanlake Plan District in September 2007.

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".

same

Plan Map Changed from: General Commercial and Commercial Recreation to: Oceanlake Plan District
 Zone Map Changed from: G-C General Commercial and R-C Recreation Commercial to: OPD - Oceanlake Plan District w/ I-M or MS-H sub-category
 Location: Oceanlake District Acres Involved: 4.27
 Specify Density: Previous: varies New: varies
 Applicable Statewide Planning Goals: 1, 2, 9, 10, 13
 Was and Exception Adopted? YES NO

DLCD File No.: 006-07 (16604)

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:

Lincoln City Urban Renewal Agency,
Devil's Lake Water Imp. District

Local Contact: Richard Townsend Phone: (503) 996-2153 Extension: _____

Address: PO Box 50 City: Lincoln City

Zip Code + 4: 97367- Email Address: rtown@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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 ATTEST:

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CATHY STEERE, CITY RECORDER

Exhibit A Findings Relating to Compliance with the Comprehensive Plan

Exhibit B Oceanlake Plan District Map Amendments

Exhibit A

A. 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. All affected property owners were noticed regarding the public hearings on the proposed Oceanlake zoning provisions, including Measure 56 notice, and 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, was 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 this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" – The area affected by the Oceanlake zoning provisions is 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 amendments. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands" – The area affected by the Oceanlake zoning provisions is located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected area does 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 area affected by the Oceanlake zoning provisions is located within the City's Urban Growth Boundary. The application of the Oceanlake zoning provisions is limited to lands zoned for General Commercial, Recreation Commercial, and Single-Family Residential use. They do not include any areas currently zoned Open Space or Park. They do not include the one property listed on the National Register of Historic Places, the Dorchester House. The area subject to the Oceanlake zoning provisions also includes some sites designated as significant aesthetic resources. The Oceanlake zoning provisions will enhance these areas by

requiring commercial structures to be built to improved aesthetic qualities. Therefore, the Oceanlake zoning provisions are consistent with Goal 5.

- (6) Goal 6: "Air, Water and Land Resources Quality" – The Oceanlake zoning provisions 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. Therefore the Oceanlake zoning provisions are consistent with Goal 6.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" – The area affected by the Oceanlake zoning provisions includes some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the Oceanlake zoning provisions do not authorize any development inconsistent with these natural hazard standards. Therefore the Oceanlake zoning provisions are consistent with Goal 7.
- (8) Goal 8: "Recreational Needs" – The areas affected by the Oceanlake zoning provisions do not include any areas zoned for open space or park use, nor do they of themselves authorize any development inconsistent with the recreational needs of the community, region, or state. Therefore, the Oceanlake zoning provisions are consistent with Goal 8.
- (9) Goal 9: "Economic Development" – The Oceanlake zoning provisions do not affect the availability of land suitable for industrial and commercial development. Instead they provide for orderly development of commercial lands in a manner that is intended to promote a more attractive community and thereby enhance the appeal of the community as a place for economic activity. They do not relate to lands zoned for industrial development. The Oceanlake zoning provisions are expected to promote economic development. Therefore, the Oceanlake zoning provisions consistent with Goal 9.
- (10) Goal 10: "Housing" – The Oceanlake zoning provisions may affect the availability of housing by modifying certain existing restrictions in a way to allow increased housing development at a lower cost, such as by allowing mixed-use structures in the commercial areas and by allowing residential development on smaller lots. By helping to improve the visual appearance of structures and sites used for mixed-use development the Oceanlake zoning provisions will help to enhance the quality of the housing stock in Lincoln City. Therefore, the Oceanlake zoning provisions are 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 Oceanlake zoning provisions, nor will their ability to serve surrounding properties be affected. Therefore, the Oceanlake zoning provisions are consistent with Goal 11.

- (12) Goal 12: "Transportation" – The Oceanlake zoning provisions are consistent with the City's *Comprehensive Plan* and *Transportation Master Plan*. Therefore, the Oceanlake zoning provisions are consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" – The land use patterns and development allowed in association with the Oceanlake zoning provisions promote walkability and therefore would have a positive effect on Energy Conservation. Therefore, the Oceanlake zoning provisions are consistent with Goal 13.
- (14) Goal 14: "Urbanization" – The proposed Oceanlake zoning provisions, through improving the aesthetic quality of the city, serve to promote the livability of Lincoln City, thereby reducing the need to expand the Urban Growth Boundary. Proposed densities of surrounding properties will not be changed. 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 affected areas of the Oceanlake zoning provisions do not include any areas adjacent to a designated estuarine resource. Therefore, Goal 16 is not applicable.
- (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. These coastal shorelands include some parts of the Oceanlake area, and also include areas that have been designated as significant aesthetic resources. By helping to improve the aesthetic quality of commercial development, the Oceanlake zoning provisions will improve the aesthetic character of the coastal shorelands in general and the significant aesthetic resources specifically. Therefore the Oceanlake zoning provisions are consistent with Goal 17.
- (18) Goal 18: "Beaches & Dunes" – The affected areas of the Oceanlake zoning provisions are not located within a beach or active dune area. Therefore, Goal 18 is not applicable.
- (19) Goal 19: "Ocean Resources" – Because the affected areas of the Oceanlake zoning provisions are solely on the dry land areas of the city, the Oceanlake zoning provisions will not affect the nearshore ocean and continental shelf. Therefore, the Oceanlake zoning provisions 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 Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearing and has 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 this application 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 Oceanlake zoning provisions 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 Oceanlake zoning provisions. The proposed amendments will not adversely affect the availability or arrangement of public 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 Oceanlake zoning provisions, through improving the aesthetic quality of the city, serve to promote the livability of Lincoln City, thereby reducing the need to expand the Urban Grown Boundary. Proposed densities of surrounding properties will not be changed. 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 Oceanlake zoning provisions include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the Oceanlake zoning provisions do not authorize any development inconsistent with these natural hazard standards. This goal is satisfied.

(6) Housing Goal

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

The Oceanlake zoning provisions may affect the availability of housing by modifying certain existing restrictions in a way to allow increased housing development at a lower cost, such as by allowing mixed-use structures in the commercial areas and by allowing residential development on smaller lots. The Oceanlake zoning provisions therefore will enhance the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the local area. 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 Oceanlake zoning provisions provide for orderly development of commercial lands in a manner that is intended to promote a more attractive community and thereby enhance the appeal of the community as a place for economic activity, particularly with respect to making the community attractive to tourists. The Oceanlake zoning provisions are expected to promote economic development. The Oceanlake zoning provisions, therefore, meet the 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."

One of the major purposes of the Oceanlake zoning provisions is to carry out this goal through design standards for commercial buildings in the Oceanlake area. 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 Oceanlake zoning provisions amendments include provisions intended to promote improved pedestrian and vehicular circulation in the commercial areas of the city. They do not, of themselves, create any additional transportation impacts on the existing transportation system. Therefore, this goal is satisfied.

(10) Energy Goal

"To conserve energy."

The proposed Oceanlake zoning provisions will not have any adverse effects on the energy goal. Therefore, the goal is satisfied.

(11) Overall Environmental Goal

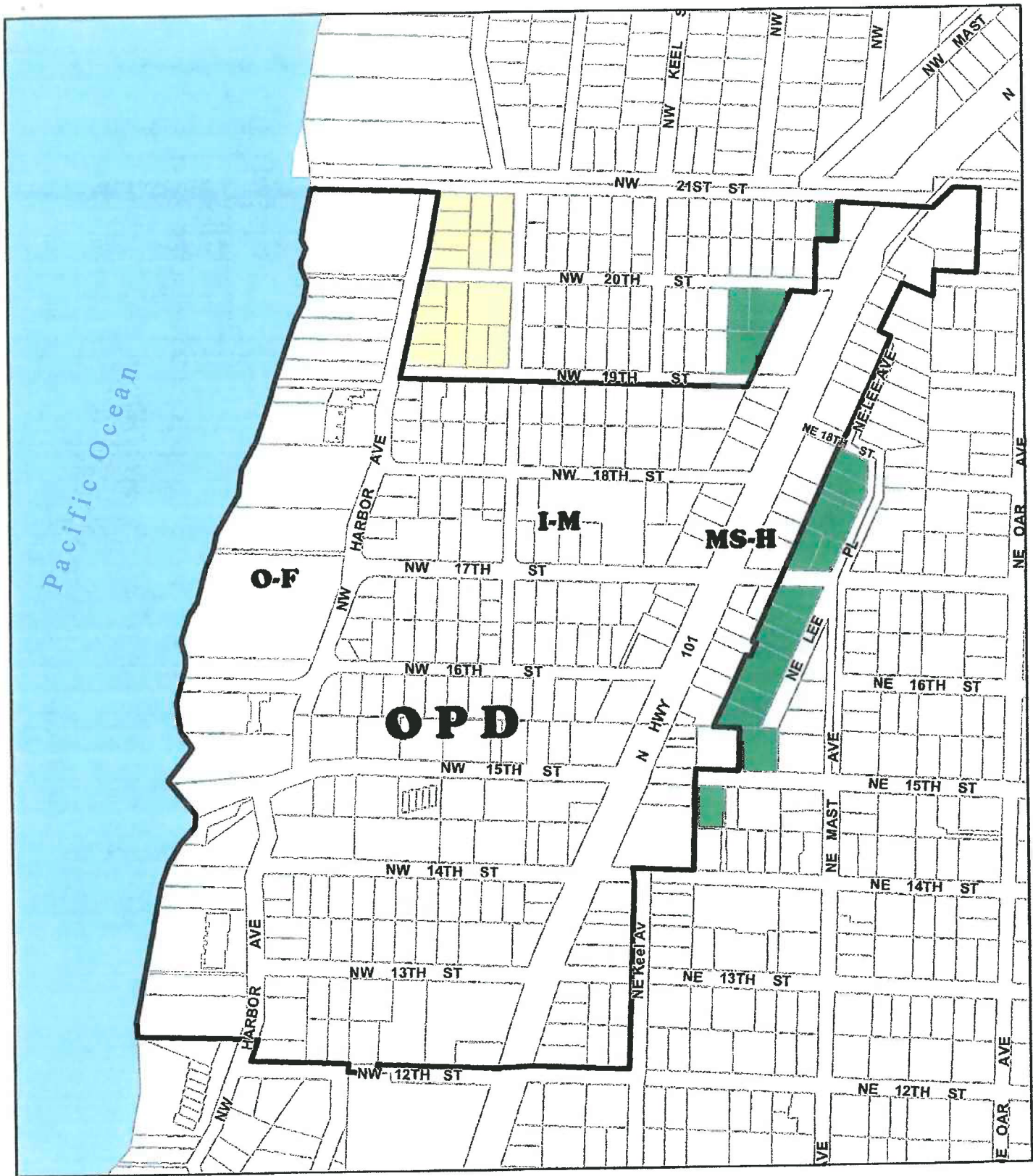
"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The Oceanlake zoning provisions will not, of themselves, have any adverse effects on the natural environment. They do not add or delete any natural environmental resources of the city. 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 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. These coastal shorelands include some parts of the Oceanlake area, including some areas of significant aesthetic resources. By helping to improve the aesthetic quality of commercial development, the Oceanlake zoning provisions will improve the aesthetic character of the coastal shorelands in general and the significant aesthetic resources specifically. Therefore the Oceanlake zoning provisions are consistent with this goal.



Oceanlake Plan District Amendment



Proposed Amendment Areas

- Amend to I-M
- Amend to MS-H

Oceanlake Plan District



EXHIBIT "B"

& COMMUNITY DEVELOPMENT
LINCOLN CITY
0
CITY, OR 97367



Attn: Plan Amendment Specialist
Dept. of Land Conserv. & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540