



Oregon

Theodore R. Kulbicki, Governor

Department of Land Conservation and Development

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Salem, OR, 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/19/2008

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 006-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 02, 2009

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.

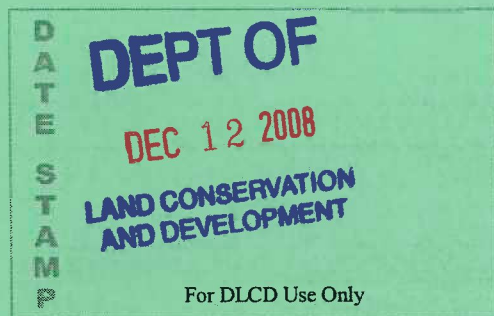
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Richard Townsend, City of Lincoln City
Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Lincoln City Local file number: ZDA 03-08
 Date of Adoption: Dec. 8, 2008 Date Mailed: Dec. 11, 2008
 Date original Notice of Proposed Amendment was mailed to DLCD: May 30, 2008

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input 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".
Amendments to Planned Unit Development ordinance, to modify the method of determining density, adding free preservation provisions, and to allow limited commercial uses in large-scale, mixed-use planned unit developments.

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".
Additional standards were added to provide density bonuses.

Plan Map Changed from: N/A to: _____
 Zone Map Changed from: N/A to: _____
 Location: city wide Acres Involved: _____
 Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

Was and Exception Adopted? YES NO

DLCD File No.: 006-08 (16931)

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:

N/A

Local Contact: Richard Townsend Phone: (541) 916-2153 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
2
3 **ORDINANCE NO. 2008-14**

4 **AN ORDINANCE AMENDING THE ZONING ORDINANCE, ORD. NO. 84-02,**
5 **AS AMENDED, TO MODIFY THE METHOD OF DETERMINING**
6 **ALLOWABLE DENSITY IN A PLANNED UNIT DEVELOPMENT, TO ADD**
7 **TREE PRESERVATION PROVISIONS, AND TO ALLOW LIMITED**
8 **COMMERCIAL USES IN LARGE-SCALE, MIXED-USE PLANNED UNIT**
9 **DEVELOPMENTS**

10 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

11 **Section 1.** The City Council finds:

12
13 A. The amendment of the Zoning Ordinance to change allow limited commercial and
14 other uses in large planned unit developments, and establish density provisions and
15 measures for tree preservation is in conformance with the Statewide Planning Goals
16 for the following reasons:

- 17
18 (1) Goal 1: "Citizen Involvement" - All proposed documents were made available
19 for public review and purchase and assistance was available to interpret and
20 explain the technical information. All affected property owners were noticed
21 regarding the public hearings on the amendment, and hearing notices were
22 published in local papers in accordance with notice requirements. Therefore, the
23 amendments are consistent with Goal 1.
24
25 (2) Goal 2: "Land Use Planning" - This goal is to establish a land use planning
26 process and policy framework as a basis for all decisions and actions related to
27 use of land and to insure an adequate factual basis for such decisions and actions.
28 The Lincoln City Comprehensive Plan and its implementation measure, the
29 Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City
30 after public hearings and have been reviewed on a periodic cycle to take into
31 account changing public policies and circumstances. Opportunities were provided
32 for review and comment by citizens and affected governmental units during
33 preparation, review, and revision of the plan and implementing ordinances.
34 Review of this application in accordance with the Lincoln City Comprehensive
35 Plan and the applicable zoning ordinance provisions establishes conformance with
36 this goal.
37
38 (3) Goal 3: "Agricultural Lands" - The areas affected by the amendment are located
39 within the City's Urban Growth Boundary. The area is currently designated and
40 zoned for urban development and will remain as such. No agricultural lands will
41 be affected by the amendment. Therefore, Goal 3 is not applicable.
42
43 (4) Goal 4: "Forest Lands" - The areas affected by the amendment is located within
44 the City's Urban Growth Boundary. The area is zoned for urban development.

1 Moreover, the affected areas do not contain any designated forest lands.
2 Therefore, Goal 4 is not applicable.

3
4 (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" - The
5 areas affected by the amendment are located within the City's Urban Growth
6 Boundary. The application of the amendment is limited to lands zoned for
7 residential use. They do not include any areas currently zoned Open Space or
8 Park. They do include the one property listed on the National Register of Historic
9 Places, the Dorchester House, but the amendment does not by itself authorize any
10 development inconsistent with its historic designation. The areas subject to the
11 amendment do include some sites designated as significant resources but the
12 amendments do not authorize any development in any such areas. Therefore, the
13 amendment is consistent with Goal 5.

14
15 (6) Goal 6: "Air, Water and Land Resources Quality" - The amendment will not
16 serve to increase the waste and process discharges already being generated within
17 the affected areas. Such discharges include solid waste, thermal, noise,
18 atmospheric or water pollutants, contaminants or products therefrom. Therefore
19 the amendment is consistent with Goal 6.

20
21 (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" - The areas affected by
22 the amendment include some identified Natural Hazards areas. The city already
23 has acknowledged ordinance standards relating to development in these areas, and
24 the amendment does not authorize any development inconsistent with these
25 natural hazard standards. Therefore the amendment is consistent with Goal 7.

26
27 (8) Goal 8: "Recreational Needs" - The areas affected by the amendment do not
28 include any areas zoned for open space or park use, nor does it of itself authorize
29 any development inconsistent with the recreational needs of the community,
30 region, or state. Therefore, the amendment is consistent with Goal 8.

31
32 (9) Goal 9: "Economic Development" - The amendment does not affect the
33 availability of land suitable for industrial and commercial development. Instead it
34 provides for orderly development of residential lands in a manner that is intended
35 to promote a more attractive community and thereby enhance the appeal of the
36 community as a place for economic activity. It does not relate to lands zoned for
37 industrial development. Therefore, the amendment is consistent with Goal 9.

38
39 (10) Goal 10: "Housing" - The amendment does not adversely affect the availability
40 of housing. The amendment provides an incentive for development of affordable
41 housing. Therefore, the amendment is consistent with Goal 10.

42
43 (11) Goal 11: "Public Facilities and Services" - Existing City water and sewer
44 infrastructure and treatment facilities will not be affected by the amendment, nor
45 will their ability to serve surrounding properties be affected. Therefore, the
46 amendment is consistent with Goal 11.

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- (12) Goal 12: "Transportation" - The amendment is consistent with the City's *Comprehensive Plan* and *Transportation Master Plan*. Therefore, the amendment is consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" - The land use patterns and development allowed in association with the amendment promote walkability and therefore would have a positive effect on Energy Conservation. Therefore, the amendment is consistent with Goal 13.
- (14) Goal 14: "Urbanization" - The proposed amendment, 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. 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 amendment include some areas adjacent to a designated estuarine resource. However, the amendments, by themselves, do not authorize any development, and in fact by improving the aesthetic quality of development otherwise authorized by the acknowledged comprehensive plan and zoning ordinance, will help to enhance the surroundings of estuarine resources. Therefore, the amendments are consistent with Goal 16.
- (17) Goal 17: "Coastal Shorelands" - The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands include some areas of residential zoning, and also include areas that have been designated as significant aesthetic resources. The amendment, by itself, does not authorize any development coastal shorelands in general and the significant aesthetic resources specifically. Therefore the amendment is consistent with Goal 17.
- (18) Goal 18: "Beaches & Dunes" - The affected areas of the amendment 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 amendment are solely on the dry land areas of the city, and because the amendment will not by itself authorize any development, the amendment will not affect the nearshore ocean and continental shelf. Therefore, the amendment is consistent with Goal 19.

1 B. The amendment is in conformance with the Lincoln City Comprehensive Plan
2 goals for the following reasons:

3
4 (1) Planning Goal

5
6 *"To establish a land use planning process and policy framework as a*
7 *basis for all decisions and actions related to use of land and to assure an*
8 *adequate factual base for such decisions and actions."*

9
10 The Lincoln City Comprehensive Plan and its implementation measure, the
11 Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City
12 after public hearing and has been reviewed on a periodic cycle to take into
13 account changing public policies and circumstances. Opportunities were provided
14 for review and comment by citizens and affected governmental units during
15 preparation, review, and revision of the plan and implementing ordinances.
16 Review of this amendment in accordance with the Lincoln City Comprehensive
17 Plan and the applicable zoning ordinance provisions, establishes conformance
18 with this goal.

19
20 (2) Citizen Involvement Goal

21
22 *"Develop a Citizen Involvement Program which ensures the continued*
23 *participation of citizens in the land use planning process."*

24
25 The City has developed a Citizen Involvement Program. In addition, the public
26 hearing process, with notice to the public and property owners and review of the
27 amendment by the Planning Commission (a citizen board), and the City Council
28 (a citizen board) establishes conformance with this goal.

29
30 (3) Public Services and Utilities Goal

31
32 *"To plan and develop a timely, orderly, and efficient arrangement of*
33 *public facility and services which compliment the area and serve as a*
34 *framework for urban and rural development."*

35
36 The proposed amendment will not adversely affect the availability or arrangement
37 of public services and utilities. The goal is satisfied.

38
39 (4) Urbanization Goal

40
41 *"To promote an orderly and efficient transition of land uses from rural to*
42 *urban."*

43
44 The amendment, because it does not change the total list of allowed uses in the
45 city, will not increase the need to expand the Urban Growth Boundary. Proposed
46 densities of surrounding properties will not be changed. This goal is satisfied.

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(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 amendment include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the amendment does 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 amendment, by authorizing limited commercial development in areas zoned for residential use may have a limited effect upon the amount of land available for housing. Because the allowance of such commercial development is confined to no more than 15% of certain large developments, and because such large developments will be provided with incentives to develop more housing units than would be possible under standard subdivision rules, and because the amendments include incentives to develop affordable housing, the amendment will not affect 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 amendment provides for 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 amendment, therefore, meets 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."

The amendment is intended to promote the livability and pleasing nature of the city by providing incentives for compliance with city policies relating to livability

1 issues such as tree preservation, stormwater management, site disturbance, and
2 open space, encouraging developers to carry out this goal. This goal is satisfied.

3
4 (9) Transportation Goal

5
6 *"To provide a safe, convenient and rapid transportation network to*
7 *facilitate the movement of goods and people."*

8
9 The amendment does not, of itself, create any additional transportation impacts on
10 the existing transportation system. Therefore, this goal is satisfied.

11
12 (10) Energy Goal

13
14 *"To conserve energy."*

15
16 The proposed amendment will not have any adverse effects on the energy goal
17 and in fact provides an incentive for energy efficient development. Therefore, the
18 goal is satisfied.

19
20 (11) Overall Environmental Goal

21
22 *"To achieve a balance between the need to provide housing and services*
23 *and the need to protect and enhance the natural environment of the city."*

24
25 The amendment will not, of itself, have any adverse effects on the natural
26 environment. It does not add to or delete from the city-wide list of allowed uses.
27 This goal is satisfied.

28
29 (12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

30
31 *"To conserve, protect, and enhance the coastal resources of the city."*

32
33 The city's coastal shorelands include all land west of Highway 101, land within
34 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and
35 land within 1,000 feet of the shoreline mean higher-high-water elevation of
36 Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands
37 include some areas of residential zoning, and also include areas that have been
38 designated as significant aesthetic resources. The amendment, by itself, does not
39 authorize any development coastal shorelands in general and the significant
40 aesthetic resources specifically. Therefore the amendment is consistent with this
41 goal.

42
43 C. The amendment is in conformance with the Zoning Ordinance, including, but not
44 limited to, required initiation, processing and noticing requirements.

45

- 1 D. The Planning Commission, on July 15, August 5, and August 19, 2008 considered
2 the Zoning Ordinance amendment contained within this ordinance. The Planning
3 Commission voted to transmit the amendment to the City Council with a
4 recommendation that it be adopted.
5
- 6 E. The City duly notified the Oregon Department of Land Conservation and
7 Development of its consideration of the proposed amendment.
8
- 9 F. The City Council held a public hearing on August 25, 2008 during which the
10 Council considered the proposed amendment transmitted by the Planning
11 Commission.
12

13 **Section 2.** Section 17.52.210 of the Lincoln City Municipal Code is amended to read as
14 follows:
15

16 **17.52.210 Planned unit development (PUD).**

17

18 A. Purpose. It is the purpose of this section to allow master planned
19 developments in any residential or commercial zone, or any combination of them,
20 and in doing so, to allow a more flexible approach to land development than that
21 which is normally accomplished through the subdivision and zoning ordinances of
22 the city. The planned unit development approach is intended to provide more
23 desirable environments by encouraging creative site planning and building designs;
24 to make possible greater diversification between buildings and open spaces; and to
25 conserve land and minimize development costs. In addition to the uses allowed in
26 residential zones, the planned unit development approach may allow certain
27 commercial uses subject to the specific limitations of this section.

28 B. Planning Commission Authority. The planning commission shall have the
29 authority to approve, approve with conditions, or disapprove planned unit
30 developments in any residential or commercial zone, or any combination of them,
31 subject to the provisions of this section.
32

33 C. Pre-Application Conference. Prior to filing an application for a planned
34 unit development, the applicant shall review the applicant's preliminary master plan
35 with the city manager or the city manager's designated representative at a pre-
36 application conference. The purpose of the pre-application conference is to inform
37 the city of the nature of a likely PUD application at an early date and to provide the
38 potential applicant with information on what will be needed to make an application
39 complete.

40 D. Allowable Density. The allowable residential density in a PUD that meets
41 only the minimum PUD standards is the "maximum base residential density" and
42 shall be determined in the following manner:

- 43
- 44 1. Determine the gross square footage of the project site.

- 1 2. Subtract from the gross square footage the square footage of any areas
2 proposed for non-residential development, including commercial uses,
3 churches, schools, and public buildings and their associated parking areas
4 and grounds (including required yards and landscaping areas). The result is
5 the “preliminary gross residential area.”
6
- 7 3. Subtract from the preliminary gross residential area the square footage of
8 any areas of significant natural resources as identified in the comprehensive
9 plan. The result is the “final gross residential area.”
10
- 11 4. Multiply the final gross residential area by 0.83. The result is the “final
12 net residential area.”
13
- 14 5. Divide the final net residential area by the minimum lot size of the
15 underlying zone. The result is the “maximum base residential density”
16 expressed in dwelling units. Any number not a whole number shall be
17 rounded down to a whole number.
18

19 E. Residential Density Bonuses.

- 20
- 21 1. Density in excess of the maximum base residential density for the underlying
22 zone may be considered for projects that comply with the density bonus
23 standards. The amount of density bonus shall be determined by the type of
24 density bonus standards incorporated in the development proposal.
25
- 26 2. Except with respect to the “Affordable Housing Bonus” in no case shall the
27 density bonus or bonuses cause the overall project density to exceed the
28 maximum allowed residential density, which in the R-1-5 zone is 8.71 units
29 per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, in the R-1-10
30 zone is 4.36 units per acre, and in the R-M zone is the “Low Density” density
31 as calculated in section 17.20.050.A.
32
- 33 3. If an applicant requests one or more density bonuses the Planning
34 Commission shall determine, based on evidence supplied by the applicant, any
35 other person, or staff whether the applicant has complied with the bonus
36 density standards. If the Planning Commission determines that the applicant
37 has complied with one or more bonus density standards it shall assign the
38 applicable density bonus points and multiply the maximum base residential
39 density by the applicable density bonus points. The result is the total number
40 of additional residential units allowed for the project above the maximum base
41 residential density.
42
- 43 4. Density Bonus Standards. If an applicant desires to be allowed to develop a
44 number of residential units above the maximum base residential density the
45 applicant shall comply with one or more of the following bonus density

standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.

A. Floodplain

1. Requirement -- For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.
2. Density Bonus Standard -- For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point)

B. Steep Slopes

1. Requirement -- On portions of the project site with pre-project slopes greater than 15% that are not previously developed, do not disturb slopes greater than 40% and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.
2. Density Bonus Standard -- On portions of the project site with pre-project slopes greater than 15% that are not previously developed sites, limit development to no more than 40% of slopes between 25%-40%, and to no more than 60% of slopes between 15%-25%, *and* locate development such that the percentage of the development footprint that is on pre-project slopes less than 15% is greater than the project's total percentage of buildable land that has pre-project slopes less than 15%. (0.01 point)

C. Protected Species Habitat

1. Requirement -- If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.
2. Density Bonus Standard -- If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the Planning & Community Development Director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points)

D. Public Transit

- 1 1. Requirement – Design streets so that pullouts and public transit shelters
2 may be added in the future without the need to acquire additional right-of-
3 way or relocate any sidewalks or utility lines.
4 2. Density Bonus Standard – Provide covered and at least partially enclosed
5 public transit shelters, adequate to buffer wind and rain, at appropriate
6 locations within the project boundaries. If public transit does not serve the
7 area of the project, provide pullouts at appropriate locations within the
8 project boundaries so that public transit shelters may be added in the future.
9 (0.01 point)

10
11 E. Accessible Design

- 12 1. Requirement – Design and build all buildings to comply with the
13 minimum requirements of the Americans with Disabilities Act.
14 2. Density Bonus Standard -- For each residential unit type developed,
15 design 20% (and not less than one) of each type to comply with the
16 accessible design provisions of the Fair Housing Amendments Act
17 (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as
18 applicable. Separate residential unit types include: single-family, duplex,
19 triplex, multi-unit row or townhouses, and mixed-use buildings that
20 include residential units. All paths of travel between residential units and
21 other buildings within the project shall comply with the accessible design
22 provisions of the FHAA and Rehabilitation Act, as applicable; and
23 facilities and rights-of-way shall comply with the accessible design
24 provisions of the FHAA, the Rehabilitation Act, or the American
25 Disability Act, as applicable. (0.01 point)

26
27 F. Energy Efficiency

- 28 1. Requirement – None.
29 2. Density Bonus Standard (0.02 point)–
30 a. For new residential structures of three stories or fewer, build and equip
31 the structures to qualify as an ENERGY STAR Home by either a
32 performance path (through a HERS Index rating) or a prescriptive path
33 (Building Option Package or BOP), AND
34 b. For non-residential structures and residential structures of more than
35 three stories, demonstrate a minimum 10% improvement in the
36 proposed building performance rating compared to the baseline
37 building performance rating per ASHRAE/IESNA Standard 90.1-2007
38 (without addenda) by a whole building project simulation using the
39 Building Performance Rating Method in Appendix G of the Standard.
40 Appendix G requires that this energy analysis include ALL of the
41 energy costs within and associated with the building project. The
42 proposed design must comply with the mandatory provisions (Sections
43 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without
44 addenda), must include all the energy costs within and associated with
45 the building project, and must be compared against a baseline building

1 that complies with Appendix G to Standard 90.1-2007 (without
2 addenda).

3
4 The default process energy cost is 25% of the total energy cost for the
5 baseline building. For buildings where the process energy cost is less
6 than 25% of the baseline building energy cost, the applicant must
7 provide supporting documentation substantiating that process energy
8 inputs are appropriate. For the purposes of this analysis, process
9 energy is considered to include, but is not limited to, office and general
10 miscellaneous equipment, computers, elevators and escalators, kitchen
11 cooking and refrigeration, laundry washing and drying, lighting
12 exempt from the lighting power allowance (e.g. lighting integral to
13 medical equipment) and other (e.g. waterfall pumps). Regulated (non-
14 process) energy includes lighting (such as for the interior, parking
15 garage, surface parking, façade, or building grounds, except as noted
16 above), HVAC (such as for space heating, space cooling, fans, pumps,
17 toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.)
18 and service water heating for domestic or space heating purposes.
19

20 G. Outdoor Water Conservation

- 21 1. Requirement – For irrigation, design and install all irrigation systems in
22 the project so that they do not spray onto or otherwise directly place
23 irrigation water onto impervious surfaces such as roads, driveways,
24 parking lots, and side walks.
25 2. Density Bonus Standard – For irrigation, design and install all irrigation
26 systems in the project that uses only captured rainwater, recycled
27 wastewater, recycled graywater, or install landscaping that does not
28 require permanent irrigation systems. Temporary irrigation systems used
29 for plant establishment are allowed only if removed within one year of
30 installation. (0.01 point)

31
32 H. Indoor Water Conservation

- 33 1. Requirement – None.
34 2. Density Bonus Standard – Design and construct at least 90% of all
35 buildings in the project such that they meet one of the following
36 requirements according to the appropriate category (0.01 point):
37 a. For non-residential buildings and residential buildings over 3 stories,
38 employ strategies that in aggregate use 30% less water than the water
39 use baseline calculated for the building (not including irrigation) after
40 meeting the Energy Policy Act of 1992 fixture performance
41 requirements. Calculations are based on estimated occupant usage and
42 shall include only the following fixtures (as applicable to the building):
43 water closets, urinals, lavatory faucets, showers, and kitchen faucets.
44 b. For residential buildings 3 stories or fewer, install fixtures that comply
45 with all of the following requirements:

- i. The average flow rate for all lavatory faucets must be no more than 2.0 GPM.
- ii. The average flow rate for all shower heads must be no more than 2.0 GPM.
- iii. The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 GPF.

I. Tree preservation

- 1. Requirement – Comply with the requirements of LCMC §17.52.220.
- 2. Density Bonus Standard – For each 2% of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development including floodplains, slopes greater than 25%, drainage ways, or wetlands. No more than a 0.10 density bonus may be granted for any on development.

F. Affordable Housing Bonus. An additional density bonus of ten percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:

- 1. At least five percent of the total number of dwelling units in the project must be affordable units.
- 2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit “cottage clusters” of affordable units, provided that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.

To be considered “affordable” a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the Planning and Community Development Director for development by that entity as affordable housing.

G. Large-Scale, Mixed-Use PUDs. This subsection sets forth special provisions for large-scale, mixed-use PUDs that provide additional amenities for residents, visitors, and the larger Lincoln City community while insuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.

- 1. Applicability. Subsection H may be applied only to an existing or proposed PUD that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross PUD site area as open space.

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2. Limited Recreational Commercial Uses Permitted.

a. Uses allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed-use PUDs located in residential or commercial zones, subject to the limitations in subparagraph b. of this paragraph:

1. Motels, hotels, and resorts;
2. Cabins and yurts used for overnight accommodations;
3. Eating or drinking establishments without drive-up service facilities;
4. Retail sales, exclusive of drive-up service facilities;
5. Day spas;
6. Child day care facilities;
7. Religious institutions and houses of worship;
8. Convention centers and meeting facilities;
9. Time-share units;
10. Bed and breakfast accommodations;
11. Public use or public utility;
12. Utility substation;
13. Outdoor commercial amusement establishments;
14. Essential emergency communications and warning facilities;
15. Emergency shelters
16. Mixed use incorporating one or more of the uses listed here.

b. Limitations. In addition to such conditions and restrictions as the Planning Commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed-use PUDs located in residential or commercial zones:

- i. . The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;
- ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;
- iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of Subsection 17.52.190); and
- iv. Recreational commercial uses are subject to the "Pearl" Lincoln City Commercial Design Standards.

3. Applications for Large-Scale, Mixed-Use PUDs shall meet the requirements of OAR 660-012-0060, and be subject to the following:

- a. A Transportation Impact Analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by Oregon Administrative Rule (OAR) 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0600(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).
- b. To be consistent with OAR 660-012-0060, the analysis as indicated in subparagraph a., above, shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.
- c. Where access to US-101 is proposed as part of a Large Scale Mixed Use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.

H. Preliminary Master Plan Application. Following a pre-application conference, an applicant may submit a preliminary master plan to the site plan committee established under Section 17.52.240 for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information:

1. Proposed name of the planned unit development;
2. Date, north point and scale of drawing;
3. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;
4. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;
5. A vicinity sketch map at a scale of one inch equals four hundred feet showing adjacent property boundaries and land uses;
6. The following:
 - a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development,

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- b. Contour lines having the following minimum intervals:
 - i. Two-foot contour intervals for ground slopes less than ten percent, and
 - ii. Five-foot contour intervals for ground slopes ten percent or greater.Contours shall be based on contour maps provided by the city or other data approved by the city engineer,
 - c. Location of at least one temporary bench mark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval),
 - d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately twenty-five inches in circumference) or more measured at a point fifty-four inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed,
 - e. Proposed streets, including location, widths and approximate radii or curves,
 - f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement,
 - g. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location,
 - h. Sites, if any, allocated for:
 - i. Churches,
 - ii. Parks, schools, playgrounds,
 - iii. Public buildings,
 - iv. Open space,
 - v. Commercial uses, specifying the type of each.
 - i. Area coverage of existing and proposed structures, lots, streets or other development.
- I. Supplemental Preliminary Master Plan Information. The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

- 1 1. Proposed restrictions to be filed in the county deed records, in outline
2 form, such as deed restrictions, conditions, covenants and restrictions, and
3 homeowners association agreements. The outline restrictions shall identify
4 the time at which the restrictions will be filed in the county deed records;
5 generally who will have authority to enforce the restrictions; specifically
6 which restrictions, if any, are proposed to be enforceable by the city; the
7 time at which the restrictions will become enforceable; and which
8 restrictions, if any, will not be subject to amendment without the consent of
9 the city;
- 10 2. Approximate locations and anticipated grades of all streets. Typical cross
11 sections of the proposed streets showing widths of roadways, curbs,
12 location and widths of sidewalks and the location and size of utility mains;
13
- 14 3. Approximate plan of proposed sanitary sewers, storm drains, storm water
15 detention and drainage pretreatment facilities and the water distribution
16 system;
17
- 18 4. A general description of property intended to be dedicated to the city or
19 public, other than street right-of-ways, including proposed dedication
20 restrictions;
21
- 22 5. A description of any residential density bonus the applicant is requesting,
23 including evidence demonstrating compliance with applicable density
24 bonus standards.
25
- 26 6. Proposed number of residential units;
27
- 28 7. An approximate tabulation of all dwelling units by type;
29
- 30 8. A narrative description of the planned unit development and the manner in
31 which it meets the purpose set out in subsection A of this section;
32
- 33 9. A statement describing the present and proposed ownership;
34
- 35 10. A preliminary landscape plan, covering both areas to retain undisturbed
36 their natural vegetation and areas to be relandscaped;
37
- 38 11. A circulation plan and traffic impact analysis identifying likely circulation
39 patterns for and traffic impacts from traffic generated by the development
40 including patterns and impacts within the development, in the area
41 surrounding the development, and in other affected areas of the city;
42
- 43 12. A statement whether the applicant proposes to submit the final master
44 plan for review as a single master plan or in phases; a statement of the date
45 or dates by which the applicant proposes to submit the final master plan or
46 final master plan phases for review; and a statement of the date or dates by

1 which the applicant anticipates that the development and related
2 improvements or each phase thereof will be substantially completed.

3
4 13. A Tree Maintenance and Protection Plan which shall contain the following
5 information:

6
7 a. An accurate topographical survey, subdivision map or plat map, that bears
8 the signature of a qualified, registered surveyor or engineer, and which
9 shows:

10
11 i. the shape and dimensions of the property, and the location of any
12 existing and proposed structures or improvements, and

13
14 ii. the location of the individual trees, with a diameter of 8 inches or
15 more, on the site, and indicating species, approximate height, d.b.h.
16 diameter, canopy spread and common name,

17
18 iii. the location of unique trees or stands of trees as set out in the
19 arborist report described below.

20
21 iii. the location of existing and proposed easements, as well as
22 setbacks required by existing zoning requirements.

23
24 b. In lieu of the map or survey, an applicant proposing to remove trees may
25 provide aerial photographs with overlays, GIS documentation, or maps
26 approved by the Planning Director, and clearly indicating the information
27 required by this subsection.

28
29 c. Arborist report. The report shall identify any unique or unusual trees or
30 stands of trees and describe the health and condition of all trees subject to
31 removal or transplanting, and shall include information on species,
32 common name, d.b.h., and approximate height and age.

33
34 d. Tree protection. Unless specifically exempted by the Planning Director, a
35 statement describing how trees intended to remain will be protected during
36 tree removal and how remaining trees will be maintained.

37
38 e. Tree identification. Unless specifically exempted by the Planning Director,
39 a statement that any trees proposed for removal will be identified by a
40 method obvious to a site inspector, such as tagging, painting, or flagging,
41 in addition to clear identification on construction documents.

42
43 f. Replacement trees. A description of the proposed tree replacement
44 program with a detailed explanation including the number, size, and
45 species, and cost. In lieu of replacing trees, the applicant may propose to

1 pay into the City Tree Fund an amount equivalent to the value of the
2 replacement trees after installation, as provided in this subsection.

- 3
4 g. Covenants, Conditions and Restrictions (CC&R's). Where the applicant is
5 proposing to remove trees on common areas, the applicant shall provide a
6 copy of the applicable CC&R's, including any landscaping provisions.
7
8 h. Waiver of documentation. The Planning Director may waive an
9 application document where the required information has already been
10 made available to the City, or where the Director determines the
11 information is not necessary to review the application.
12

13 J. Determination that Preliminary Master Plan is Complete. Following submission
14 or resubmission of a preliminary master plan, the site plan committee established
15 by Section 17.52.240 shall determine whether the plan is complete pursuant to
16 the submittal requirements of subsections D and E of this section. The
17 determination of the committee shall be in writing and, if the application is
18 determined to be incomplete, shall be provided to the applicant with a description
19 of the additional material required to make the application complete.
20

21 K. Site Plan Committee Review of Complete Preliminary Master Plan. Following
22 submission of a complete preliminary master plan, the site plan committee shall
23 review the preliminary master plan, shall seek comments on the plan from
24 potentially affected governmental units and agencies, and shall report to the
25 planning commission the comments of the committee members and of those
26 governmental units and agencies that submit comments.
27

28 L. Planning Commission Consideration of Preliminary Master Plan. Following
29 receipt of comments on the preliminary master plan from the site plan committee,
30 the planning commission shall review the plan and comments in public hearings
31 and shall give approval, approval with conditions, or disapproval to the
32 preliminary master plan. The planning commission shall state its decision and its
33 reasons in writing. The applicant may appeal the decision to the city council in
34 accordance with the provisions of Section 17.76.040. The planning commission
35 shall issue its written decision in a timely manner so that the city's final decision,
36 inclusive of all appeals, can be made within one hundred twenty days after
37 submission of a complete preliminary master plan. The planning commission's
38 consideration of the preliminary master plan shall be subject to the following:
39

- 40 1. The commission shall approve, or approve with conditions, the plan if it
41 finds that the plan, either as submitted or with conditions, meets all of the following
42 criteria. The commission shall disapprove the plan if it finds that the plan, either as
43 submitted or with conditions, does not meet any one or more of the following
44 criteria.
45

1 a. The proposed planned unit development will be substantially
2 compatible with existing development in the surrounding area; and undeveloped
3 land in the surrounding area can be developed in a manner substantially compatible
4 with the proposed planned unit development.
5

6 b. The number of years proposed for completion of the development
7 or each phase of the development is reasonable, taking into consideration the
8 possibility of changing land use patterns in or requirements of the city over time. In
9 order to ensure that the development will be compatible with land use patterns in
10 and requirements of the city at the time of approval of a final master plan, the
11 planning commission shall establish an expiration date for the preliminary master
12 plan approval, not sooner than two years after approval of the preliminary master
13 plan; may impose conditions requiring that a final master plan or phases thereof be
14 submitted for commission review within a specified period or periods of time, not
15 sooner than one year after approval of the preliminary master plan; or may impose
16 conditions requiring commission reevaluation of as yet unbuilt portions of the
17 development, for conformity with then-existing city zoning ordinance requirements
18 in relation to then-existing conditions, not sooner than five years after approval of
19 the preliminary master plan, and at such periodic intervals of not less than five years
20 thereafter as the commission deems appropriate to ensure conformity.
21

22 c. Construction of the development can be accomplished in a manner
23 that does not create unreasonable negative impacts on the area surrounding the
24 development or in the city. In order to assure the avoidance or mitigation of negative
25 construction impacts on the area surrounding the development or in the city, the
26 planning commission may impose conditions including but not limited to:
27

28 i. Requirements that removal of existing landscaping during
29 construction be limited to areas of the planned unit development to be constructed
30 shortly following removal and to portions of those areas on which construction will
31 occur;

32 ii. Prohibitions of open burning on the site during construction;

33 iii. Prohibitions or limitations on construction track-out;

34 iv. Restrictions on construction noise; and

35 v. Restrictions on construction traffic.

36 d. The development will not create unreasonable negative impacts on
37 the area surrounding the development or in the city. In order to assure the avoidance
38 or mitigation of negative impacts, the planning commission may require the filing of
39 restrictions in the county deed records including but not limited to restrictions:

40 i. Prohibiting the removal of specified landscaping; and

41 ii. Prohibiting open burning during construction.
42

43 e. Street, water, sewer, drainage and drainage pretreatment, storm
44 water detention, and other similar facilities in the area surrounding the development
45 and in the city are or will be adequate to provide for the health, safety and welfare

1 for the development's population densities and the type of development proposed,
2 taking into consideration existing and projected future demands on those facilities.

3
4 f. Street, water, sewer, drainage and drainage pretreatment, storm
5 water detention and other similar facilities proposed to be constructed as part of the
6 development are adequate to provide for the health, safety and welfare for the
7 population densities and the type of development proposed.

8
9 g. The proposed number of residential units does not exceed the
10 maximum permitted number of residential units; and at least fifteen percent of the
11 gross area is dedicated to landscaping. For purposes of computing area dedicated to
12 landscaping, dedicated open space and protected resource areas may be treated as
13 area dedicated to landscaping, but parking areas may not.

14
15 2. The planning commission, in approving a preliminary master plan, may
16 attach conditions it finds are necessary or appropriate to carry out the purposes of
17 this title.

18
19 M. Extension of Approved Preliminary Master Plan. Prior to expiration of an
20 approved preliminary master plan, the planning commission may, on receipt of an
21 application applying to the as yet unbuilt portions of the development, extend the
22 expiration date provided that the extension will be consistent with then-existing
23 city zoning ordinance requirements, in relation to then-existing conditions. An
24 application for an extension shall be subject to all of the procedures set out in
25 subsections C through H of this section, including but not limited to the
26 requirement of a hearing before the planning commission, except that the
27 application materials required to be submitted shall be only such materials
28 supplementing the original application as are needed to demonstrate that an
29 extension will meet the criterion for an extension established by this subsection.

30
31 N. Modification of Approved Preliminary Master Plan. The planning commission
32 may, on receipt of an application applying to the as yet unbuilt portions of the
33 development, modify an approved preliminary master plan provided that the
34 modifications will be consistent with the then-existing city zoning ordinance
35 requirements, in relation to then-existing conditions. An application for
36 modifications shall be subject to all of the procedures set out in subsections C
37 through L of this section, including but not limited to the requirement of a hearing
38 before the planning commission, except that the application materials required to
39 be submitted shall be only such materials supplementing the original application as
40 are needed to identify the proposed modifications and to demonstrate that the
41 modifications will meet the criterion for modifications established by this
42 subsection.

43
44 O. Procedure Following Expiration of Preliminary Master Plan. If an approved
45 preliminary master plan expires, whether as to the entire area proposed for
46 development or as to as yet unbuilt portions of the development, then a complete

1 new application must be submitted prior to reconsideration. An application for
2 reconsideration shall be treated as an original application and shall be subject to all
3 of the procedures set out in subsections C through H of this section, including but
4 not limited to the requirement of a hearing before the planning commission.
5

6 P. Submission of Tentative Subdivision Plan. If an approved preliminary planned
7 unit development master plan provides for the subdivision of land within the
8 planned unit development, then within such period or periods of time as required
9 by the preliminary planned unit development master plan approval, an applicant
10 shall file a tentative subdivision plan for the planned unit development or for
11 phases of the development, if phasing is permitted. The submittal requirements,
12 procedures and approval requirements for the tentative subdivision plan shall be as
13 set out in Title 16 of this code.
14

15 Q. Planning Commission Consideration of Final Master Plan.
16

17 1. Following preliminary master plan approval, and prior to issuance of a
18 development permit and commencement of development, a final master plan must
19 be submitted to and approved by the planning commission. The final master plan
20 may be submitted in development phases; provided, that:
21

22 a. Each phase can exist as a separate entity capable of independently
23 meeting all requirements and standards of this section and of the underlying zones in
24 which the PUD is located; or
25

26 b. Prior to the development of any phase that will not exist as such a
27 separate entity capable of independently meeting the requirements and standards,
28 restrictions enforceable by the city and in a form approved by the city have been
29 filed in the county deed records, such as conditions, covenants and restrictions. The
30 restrictions shall be applicable to other areas of the planned unit development not yet
31 proposed for development, and shall be sufficient to assure that:
32

33 i. The area within the phase proposed for development, when
34 combined with the area not yet proposed for development, as subject to the deed
35 restrictions, can exist as a combined entity capable of independently meeting the
36 requirements and standards,
37

38 ii. The phase has met any applicable reevaluation requirement
39 imposed during the preliminary master plan approval process, and
40

41 iii. The separate development of phases will not be detrimental
42 to the total development nor to the adjacent properties in the event the remainder of
43 the development is not completed.
44

45 2. The final master plan must be in sufficient detail to allow the planning
46 commission to determine whether the final master plan is consistent with the
preliminary master plan and whether the final master plan meets all conditions

1 applicable to the preliminary master plan. In addition, the final master plan shall
2 include:

3
4 a. Detailed landscaping plans showing the type and size of all plant
5 material and its location, the irrigation system, decorative materials, recreation
6 equipment and special effects; and the schedule for removal and replanting of
7 vegetation;

8
9 b. Detailed water, sewer, drainage and drainage pretreatment, storm
10 water detention and street system plans, including:

11 i. Central line profiles showing finished grades of all streets,
12 ii. Cross sections of proposed streets showing widths of
13 roadway, curbs, locations and width of sidewalks and location and size of utility
14 mains,

15 iii. Profiles of sanitary sewer, street drainage, drainage
16 pretreatment, storm water detention and water distribution systems, showing pipe
17 size and location of valves and fire hydrants, all to conform to city standards,

18 iv. The estimated cost of street, sewer, drainage and drainage
19 pretreatment, storm water detention, water, and other public infrastructure
20 improvements within the planned unit development.

21
22 3. The planning commission shall approve, or approve with conditions,
23 the final master plan if the planning commission determines that the plan meets all
24 of the following criteria. The commission shall disapprove the final master plan if it
25 finds that the plan, either as submitted or with conditions, does not meet one or more
26 of the following criteria:

27 a. The plan is consistent with the preliminary master plan and all
28 conditions applicable to it;

29 b. All utility systems and landscaping conform to city standards or
30 are approved by the city engineer; and

31 c. If the final master plan is for a phase of the total planned unit
32 development, the criteria for phasing stated in subsection (Q)(1) of this section will
33 be met.

34
35 R. Requirements Following Final Master Plan Approval.

36
37 1. A certified print of the approved final planned unit development master
38 plan shall be provided by the applicant without charge to the office of the city
39 recorder.

40
41 2. Except as provided in subsection 3 of this section, proposals to make
42 changes in the final master plan after it has been approved shall be considered the
43 same as a new PUD application and shall be permitted only in accordance with all of
44 the procedures set out in this section, including but not limited to the requirement of
45 a hearing before the planning commission, except that the application materials
46 required to be submitted shall be only such materials supplementing the original

1 application as are needed to identify the proposed changes and to demonstrate that
2 the changed planned unit development will meet the criteria established by this
3 section.
4

5 3. Proposals to make minor changes in the final master plan after it has
6 been approved may be approved by the city manager or the city manager's
7 designated representative. Minor changes consist only of changes that will not have
8 public visibility and that:

- 9 a. Do not increase densities;
10 b. Do not change boundaries;
11 c. Do not change any use, specific or general, described in the final
12 master plan; and
13 d. Do not change the location or amount of land devoted to specific
14 land uses.
15

16 4. A final PUD plat shall be filed with and approved by the city in
17 accordance with the final platting requirements of Title 16 (Subdivisions) of this
18 code and recorded with Lincoln County, within one year of the approval of a final
19 master plan. One extension of time may be granted, for good cause, by the planning
20 commission if such extension is authorized by the commission prior to the
21 expiration of the one-year period, and provided such extension not exceed one
22 additional year. No additional extensions may be granted. If a final PUD plat is not
23 filed, approved and recorded as required by this section, then the planned unit
24 development approval shall become void as of the date the filing requirement no
25 longer can be met.

26 5. Prior to commencement of development, the developer shall provide to
27 the city an improvement agreement and financial security instrument as described in
28 section 17.52.240.L. and shall obtain a development permit.
29

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

35 PASSED AND ADOPTED by the City Council of the City of Lincoln City this
36 8th day of December 2008.
37

38
39 
40 LORI HOLLINGSWORTH, MAYOR

41 ATTEST:

42
43 
44 CATHY STEERE, CITY RECORDER
45