



Oregon

Theodore R. Kulbicki, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/19/2008

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 008-08

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. 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

<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

DATE STAMP

DEPT OF
DEC 12 2008
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Lincoln City Local file number: ZOA 2008-05
 Date of Adoption: NOV. 24, 2008 Date Mailed: Dec. 11, 2008
 Date original Notice of Proposed Amendment was mailed to DLCD: Oct. 2, 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".

Amendment to Taft Village Core (TVC) zone, to eliminate provisions for street vendors. Repeal of these provisions allows a single set of regulations for street vendors citywide, and simplify administration of the city's street vending program.

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: n/a to: _____
 Zone Map Changed from: n/a to: _____
 Location: Taft Village Core Acres Involved: _____
 Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was and Exception Adopted? YES NO

DLCD File No.: 008-08 (17173)

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) 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.

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ORDINANCE NO. 2008 - 21

**AN ORDINANCE AMENDING THE ZONING ORDINANCE, ORD. NO. 84-02,
AS AMENDED, TO ELIMINATE THE STREET VENDOR PROVISIONS OF
THE
TAFT VILLAGE CORE ZONE, AND AMENDING CHAPTER 5.28 OF THE
LINCOLN CITY MUNICIPAL CODE, STREET VENDORS, 5.28.070, AREAS
FOR STREET VENDING**

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The City Council finds:

A. The Municipal Code contains two sets of provisions relating to street vendors. The primary provisions, found in Lincoln City Municipal Code Chapter 5.28, applies to street vending in all areas of the city other than the Taft Village Core Zone. The Taft Village Core Zone provisions, found in Lincoln City Zoning Ordinance Section 3.105(6)(1) apply only in the Taft Village Core Zone and are largely duplicative of LCMC Chapter 5.28.

B. To the extent the two sets of provisions are different they create unnecessary complication, and to the extent they are the same they are unnecessarily duplicative. Repealing Lincoln City Zoning Ordinance Section 3.105(6)(1) would allow a single set of provisions relating to street vending to be applied city-wide, and would simplify the administration of the city's street vending program.

C. Statewide Planning Goals 1, 2, and 9 are applicable to this ordinance amendment. The amendment is consistent with these goals for the following reasons:

- (1) Goal 1: "Citizen Involvement" - All proposed documents were made available for public review and purchase and assistance was available to interpret and explain the technical information. Hearing notices were published in local papers in accordance with notice requirements. Therefore, the amendment is 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

1 the applicable zoning ordinance provisions establishes conformance with
2 this goal.

- 3
4 (3) Goal 9: "Economic Development" - The amendment does not affect the
5 availability of land suitable for industrial and commercial development.
6 Instead it eliminates duplicative and confusing ordinance provisions while
7 continuing to allow all existing uses commercial lands. It does not relate
8 to lands zoned for industrial development. Therefore, the amendment is
9 consistent with Goal 9.

10
11 D. Comprehensive Plan goals relating to Land Use Planning, Citizens
12 Involvement, and Economy are applicable to this ordinance amendment. The
13 amendment is consistent with these goals for the following reasons:

14
15 (1) Planning Goal

16
17 *"To establish a land use planning process and policy framework*
18 *as a basis for all decisions and actions related to use of land and*
19 *to assure an adequate factual base for such decisions and actions."*

20
21 The Lincoln City Comprehensive Plan and its implementation measure,
22 the Lincoln City Zoning Ordinance, was adopted by the City Council of
23 Lincoln City after public hearing and has been reviewed on a periodic
24 cycle to take into account changing public policies and circumstances.
25 Opportunities were provided for review and comment by citizens and
26 affected governmental units during preparation, review, and revision of
27 the plan and implementing ordinances. Review of this amendment in
28 accordance with the Lincoln City Comprehensive Plan and the applicable
29 zoning ordinance provisions, establishes conformance with this goal.

30
31 (2) Citizen Involvement Goal

32
33 *"Develop a Citizen Involvement Program which ensures the*
34 *continued participation of citizens in the land use planning*
35 *process."*

36
37 The City has developed a Citizen Involvement Program. In addition, the
38 public hearing process, with notice to the public and property owners and
39 review of the amendment by the Planning Commission (a citizen board),
40 and the City Council (a citizen board) establishes conformance with this
41 goal.

42
43 (3) Economy Goal

44
45 *"To support the tourist industry and achieve a degree of diversity*
46 *in the community which will allow a balanced economy that will,*

1 *in turn, support an adequate level of services for all members of*
2 *the area."*

3
4 The amendment does not affect the orderly development of commercial
5 lands. It eliminates duplicative and confusing ordinance provisions while
6 continuing to allow all existing uses commercial lands. The amendment,
7 therefore, meets the goal.

- 8
9 E. The Planning Commission, on November 18, 2008, considered the ordinance
10 amendments contained within this ordinance. The Planning Commission
11 voted to transmit the amendments to the City Council for its consideration.
12
13 F. The City duly notified the Oregon Department of Land Conservation and
14 Development of its consideration of the proposed amendments.
15
16 G. The City Council held a public hearing on November 24, 2008 during which
17 the Council considered the proposed amendments transmitted by the Planning
18 Commission.

19
20 **Section 2.** Section 3.105 of the Zoning Ordinance is amended by deleting Section
21 3.105(6)(I) Sidewalk Vendors.

22
23 **Section 3.** Section 3.105(3) of the Zoning Ordinance is amended by deleting the
24 following definitions and renumbering the remaining definitions appropriately:

- 25 (t) "Sidewalk Vendors",
26 (u) "Stand",
27 (y) "Vending", and
28 (z) "Vending Cart".

29
30 **Section 4.** Sections 5.28.070 (A) (1) and (2) of the Municipal Code are amended
31 to read as follows:

- 32
33 A. Street vendors may operate on:
34 1. Private property zoned General Commercial, Recreation-
35 Commercial, Oceanlake Plan District, Taft Village Core and
36 Nelscott Plan District (NBD and NBMU sub-categories).
37 2. City parks, the community center, the fifty-first-street turnaround,
38 and public rights-of-way in General Commercial, Recreation
39 Commercial, Oceanlake Plan District, Taft Village Core, and
40 Nelscott Plan District (NBD and NBMU sub-categories).

41
42 **Section 5.** In the event that any provision of this ordinance is determined by a
43 court of competent jurisdiction to be invalid or unenforceable, such invalid
44 provision shall be severed and the remaining provisions of the ordinance that have
45 not been held invalid or unenforceable shall continue to be valid and enforceable
46 to the fullest extent permitted by law.

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PASSED AND ADOPTED by the City Council of the City of Lincoln City this
24th day of November 2008.

Lori Hollingsworth
LORI HOLLINGSWORTH, MAYOR

ATTEST:

Cathy Steere
CATHY STEERE, CITY RECORDER



P.O. Box 50
Lincoln City, Oregon 97367



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

973012540

