



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/24/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 002-09

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: Tuesday, July 07, 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.

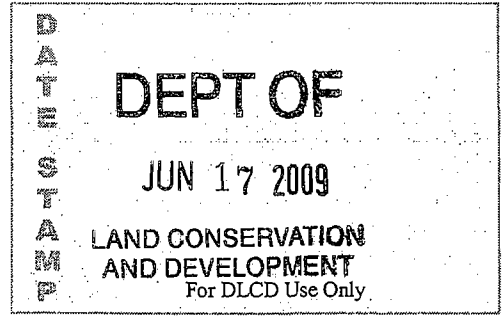
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<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: ZOA 2009-02
 Date of Adoption: June 8, 2009 Date Mailed: June 16, 2009
 Date original Notice of Proposed Amendment was mailed to DLCD: April 1, 2009

- | | |
|---|---|
| <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 checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Urban agriculture ordinance, to define and establish provisions for personal, market and community gardens. Also defines and establishes standards for keeping small animals, domestic fowl and farm animals. Deletes the current definition of "Agriculture".

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".
No substantive changes. (Note- the definition of "kennel" was amended to distinguish business use (boarding, animal day-care, etc.) from personal ownership.

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was and Exception Adopted? YES NO

DLCD File No.: 002-09 (17469) [15565]

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:

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. 2009-05

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
ADOPTING PROVISIONS RELATING TO AGRICULTURE,
AMENDING ORDINANCE NO. 84-02, AS AMENDED;
AND AMENDING LINCOLN CITY MUNICIPAL CODE TITLE 17**

The City Council of Lincoln City ordains as follows:

Section 1. Lincoln City Municipal Code Chapter 17.08 is amended by deleting the definition of "Agriculture."

Section 2. Lincoln City Municipal Code Chapter 17.08 is amended by amending the definition of "Kennel" to read as follows:

"Kennel" means a lot or premises on which four or more cats and/or dogs, more than four months of age, are kept for business purposes such as animal boarding, animal day-care, commercial breeding, and the like.

Section 3. Lincoln City Municipal Code Chapter 17.08 is amended by adding the following definitions:

"Cold frame" means an unheated, outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, not more than 24 inches high, used for protecting seedlings and plants from the cold.

"Domestic fowl" means mature female chickens (i.e., hens), but not roosters.

"Farm animals" means animals such as cattle, horses, sheep, and llamas.

"Garden, community" means an area of land managed and maintained by a group of individuals to grow and harvest crops such as food crops and ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

"Garden, market" means an area of land managed and maintained by an individual or a group of individuals to grow and harvest crops such as food crops and ornamental crops to be sold for profit. Crops may be sold on-site or off-site.

"Garden, personal" means an area of land located on a lot developed with one or more residences and managed and maintained by an individual or a family to grow and harvest crops such as food crops and ornamental crops for personal or family use, consumption, or donation.

1 **“Greenhouse”** means a building sheathed in glass, plastic, or fiberglass in which
2 plants are cultivated.

3
4 **“Hoop house”** means a structure made of PVC piping or other material covered
5 with translucent plastic and constructed in a “half-round” or “hoop” shape and not
6 more than seven feet high or 20 feet long.

7
8 **“Small animals”** means animals commonly kept as household pets, other than
9 animals such as aquarium fish, reptiles, hamsters, gerbils, or cage birds such as
10 finches, canaries, and parakeets, and includes the following:

- 11 1. Cats (*Felis catus*);
- 12 2. Dogs (*Canis familiaris*) but not dog-wolf hybrids;
- 13 3. Rabbits (*Leporidae*);
- 14 4. Vietnamese, Chinese, or Asian Potbelly Pigs (*Sus scrofa bittatus*) but not any
15 greater than 22 inches in height at the shoulder or more than 150 pounds in
16 weight;
- 17 5. Miniature, pygmy, or dwarf goats, but not any greater than 24 inches in height
18 at the shoulder or more than 100 pounds in weight, and not any that have not
19 been de-horned, or any un-neutered adult male goats.

20
21 Offspring of small animals that are less than five months of age are not considered
22 “small animals” as that term is used in this ordinance.

23
24 **“Vermiculture”** means worm composting in bins.

25
26 **Section 4.** Lincoln City Municipal Code Section 17.16.020, Single-Family Residential
27 (R-1) Zone, Permitted uses, is amended to read as follows:

28
29 17.16.020 Permitted Uses.

30 The following uses are permitted:

- 31 A. Single-family dwellings;
 - 32 B. Two-family and duplex dwellings when developed on a minimum eight
33 thousand square foot lot;
 - 34 C. Community gardens and market gardens not larger than 12,500 square feet, in
35 accordance with the standards of Section 17.80.070;
 - 36 D. Public parks, playgrounds and other similar publicly owned recreation areas;
 - 37 E. Bed and breakfast accommodations, subject to the standards set forth in
38 Section 17.80.060;
 - 39 F. Manufactured homes when developed in accordance with the standards set
40 forth in Section 17.52.250;
 - 41 G. A mobile home used during construction of a permitted use for which a
42 building permit has been issued, but not exceeding six months;
 - 43 H. Residential homes;
 - 44 I. Essential emergency communications and warning facilities.
- 45

1 **Section 5.** Lincoln City Municipal Code Section 17.16.030, Single-Family Residential
2 (R-1) Zone, Accessory uses, is amended to read as follows:

3
4 17.16.030 Accessory uses.

5 The following accessory uses are permitted:

- 6 A. Guest houses, not rented or otherwise conducted as a business and provided
7 there are no cooking facilities in the guest house;
- 8 B. Home occupations, subject to the provisions of Section 17.52.010;
- 9 C. Gardens and animals, subject to the provisions of Section 17.80.070;
- 10 D. Other accessory uses and accessory buildings and structures customarily
11 appurtenant to a permitted use.

12
13 **Section 6.** Lincoln City Municipal Code Section 17.20.020, Multiple-Family Residential
14 (R-M) Zone, Permitted uses, is amended to read as follows:

15
16 17.20.020 Permitted uses.

17 The following uses are permitted:

- 18 A. Single-family dwellings, if developed under the standards set forth for
19 single-family dwellings within the R-1 zone (except for the lot coverage
20 standards, which shall be as set out in Section 17.20.060(D)), and two-family
21 dwellings or duplexes;
- 22 B. Multiple-family dwellings and apartment houses;
- 23 C. Rooming and boarding houses;
- 24 D. Community gardens and market gardens not larger than 12,500 square
25 feet, in accordance with the standards of Section 17.80.070;
- 26 E. A mobile home used during construction of a permitted use for which a
27 building permit has been issued, but not exceeding six months;
- 28 F. Bed and breakfast accommodations, subject to the standards set forth in
29 Section 17.80.060;
- 30 G. Manufactured Homes when developed in accordance with the standards
31 specified in Section 17.52.030;
- 32 H. Attached single-family dwellings, when developed in accordance with the
33 standards specified in Section 17.52.040.

34
35 **Section 7.** Lincoln City Municipal Code Section 17.20.030, Multiple-Family Residential
36 (R-M) Zone, Accessory uses, is amended to read as follows:

37
38 17.20.030 Accessory uses.

39 The following accessory uses are permitted:

- 40 A. Offices incidental and necessary to the conduct of a permitted use;
- 41 B. Off-street parking lots when appurtenant to a permitted use in the R-M zone,
42 subject to the provisions of Chapter 17.56;
- 43 C. Home occupations, subject to the provisions of Section 17.52.010(E);
- 44 D. Gardens and animals, subject to the provisions of Section 17.80.070;
- 45 E. Other accessory uses and accessory buildings and structures customarily
46 appurtenant to a permitted use.

1
2 **Section 8.** The following new provisions are added to Chapter 17.24, Professional
3 Campus (PC) Zone, of the Lincoln City Municipal Code as Section 17.24.030, with
4 subsequent sections of the chapter being renumbered accordingly:
5

6 17.24.030 Accessory uses.

7 The following accessory uses are permitted:

- 8 A. Off-street parking lots when appurtenant to a permitted use in the R-M zone,
9 subject to the provisions of Chapter 17.56;
- 10 B. Gardens and animals, subject to the provisions of Section 17.80.070;
- 11 C. Other accessory uses and accessory buildings and structures customarily
12 appurtenant to a permitted use.

13
14 **Section 9.** Lincoln City Municipal Code Section 17.28.020, Recreation-Commercial
15 (RC) Zone, Permitted uses, is amended to read as follows:
16

17 17.28.020 Uses permitted.

- 18 A. Motels and resorts.
- 19 B. Eating or drinking establishments.
- 20 C. Gift shops.
- 21 D. Convention centers.
- 22 E. Single-family dwellings, if developed under the standards set forth for single-
23 family dwellings within the R-1 zone.
- 24 F. Time-share units, when developed under the standards of Section 17.28.050;
- 25 G. Bed and Breakfast Accommodations.
- 26 H. Attached single-family dwellings, when developed in accordance with the
27 standards specified in Section 4.330 of this ordinance.
- 28 I. Manufactured homes when developed in accordance with the standards specified
29 in Section 17.52.260 of this Ordinance.
- 30 J. Essential emergency communications and warning facilities.
- 31 K. Community gardens and market gardens not larger than 12,500 square feet, in
32 accordance with the standards of Section 17.80.070;

33
34 **Section 10.** The following new provisions are added to Chapter 17.28, Recreation-
35 Commercial (RC) Zone, of the Lincoln City Municipal Code as Section 17.28.030, with
36 subsequent sections of the chapter being renumbered accordingly:
37

38 17.28.030 Accessory uses.

39 The following accessory uses are permitted:

- 40 A. Gardens and animals, subject to the provisions of Section 17.80.070;
- 41 B. Other accessory uses and accessory buildings and structures customarily
42 appurtenant to a permitted use.

43
44 **Section 11.** Lincoln City Municipal Code Section 17.32.020, General Commercial (GC)
45 Zone, Use permitted, is amended to read as follows:
46

1 17.28.020 Uses permitted.

2 In a GC zone, the following are given as examples of those uses that meet the intent of
3 this zone:
4

- 5 A. Convenience service/retail use;
- 6 B. Eating and drinking establishments, excluding drive-in restaurants;
- 7 C. Carpet, rug, fabric and interior decorating shops including re-upholstering,
8 making of draperies and other similar articles which are conducted as part of,
9 and secondary to a retail sales operation;
- 10 D. Sporting goods stores;
- 11 E. Motels and resorts;
- 12 F. Building supply stores;
- 13 G. Public facilities;
- 14 H. Garden supplies and nursery;
- 15 I. Community meeting buildings, fraternal or social organizations;
- 16 J. Automotive parts and accessories;
- 17 K. Printing;
- 18 L. Carpenter, plumbing, cabinet, upholstering and sheet metal shops, if
19 conducted wholly within an enclosed building;
- 20 M. Appliance sales and service;
- 21 N. Single-family dwellings, if developed under the standards in the R-1 zone;
- 22 O. Mini-warehouses , if existing on or if site plan approval was applied for
23 before June 9, 2008. Mini-warehouses in existence on or applied for
24 before June 9, 2008, may be expanded within the boundaries of the lot or
25 lots they occupied as of that date, subject to the standards applicable as of
26 the date of application for expansion;
- 27 P. Time-share units, when developed under the standards of Section 17.28.040;
- 28 Q. Bed and Breakfast Accommodations;
- 29 R. Professional and business offices;
- 30 S. Art gallery and studio;
- 31 T. Physical therapy;
- 32 U. Equipment rental establishments;
- 33 V. Physical fitness center;
- 34 W. Manufactured homes when developed in accordance with the standards
35 specified in Section 17.28.090(C) and Section 17.52.250;
- 36 X. Veterinary clinic;
- 37 Y. Community gardens and market gardens not larger than 12,500 square
38 feet, in accordance with the standards of Section 17.80.070.

39
40 **Section 12.** The following new provisions are added to Chapter 17.32, General
41 Commercial (GC) Zone, of the Lincoln City Municipal Code as Section 17.32.030, with
42 subsequent sections of the chapter being renumbered accordingly:
43

44 17.32.030 Accessory uses.

45 The following accessory uses are permitted:

- 46 A. Gardens and animals, subject to the provisions of Section 17.80.070;

1 B. Other accessory uses and accessory buildings and structures customarily
2 appurtenant to a permitted use.
3

4 **Section 13.** Lincoln City Municipal Code Section 17.40.020, Recreation Residential (R-
5 R) Zone, Permitted uses, is amended to read as follows:
6

7 17.20.020 Permitted uses.

8 In an R-R zone, the following uses are permitted:

- 9 A. Single Family dwelling;
- 10 B. Manufactured home;
- 11 C. Recreational vehicle;
- 12 D. Essential emergency communications and warning facilities;
- 13 E. Community gardens and market gardens not larger than 12,500 square
14 feet, in accordance with the standards of Section 17.80.070.
15

16 **Section 14.** The following new provisions are added to Chapter 17.40, Recreation
17 Residential (R-R) Zone, of the Lincoln City Municipal Code as Section 17.40.030, with
18 subsequent sections of the chapter being renumbered accordingly:
19

20 17.40.030 Accessory uses.

21 The following accessory uses are permitted:

- 22 A. Gardens and animals, subject to the provisions of Section 17.80.070;
- 23 B. Other accessory uses and accessory buildings and structures customarily
24 appurtenant to a permitted use.
25

26 **Section 15.** Lincoln City Municipal Code Chapter 17.34 relating to the Nelscott Plan
27 District is amended by adding two new rows to Table II.A. Land Uses Allowed in
28 Nelscott, under the heading of "Other Categories:" first, a row showing "Community
29 gardens and market gardens not larger than 12,500 square feet, in accordance with the
30 standards of Section 17.80.070" as a permitted use in the Business District, Cottage
31 Residential District, and Beachside Mixed Use District; and second a row showing
32 "Gardens and animals, accessory to a permitted use and subject to the provisions of
33 Section 17.80.070" as a permitted use in the Business District, Cottage Residential
34 District, and Beachside Mixed Use District.
35

36 **Section 16.** Lincoln City Municipal Code Chapter 17.45 relating to the Taft Village Core
37 District is amended by adding two new rows to the Table of TVC Land Use Activities in
38 Section 17.45.040, under "L. Other Uses" the following new provisions:
39

13. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of Section 17.80.070	P
14. Gardens and animals, accessory to a permitted use and subject to the provisions of Section 17.80.070	P

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1 **Section 17.** Lincoln City Municipal Code Chapter 17.50 relating to the Oceanlake Plan
2 District is amended by adding to Table 17.50.050 – Land Uses Allowed in Oceanlake,
3 under the heading of “Other Categories:” first, a row showing “Community gardens and
4 market gardens not larger than 12,500 square feet, in accordance with the standards of
5 Section 17.80.070” as a permitted use in the Main Street Area, Interior Area, and
6 Oceanfront Area; and second a row showing “Gardens and animals, accessory to a
7 permitted use and subject to the provisions of Section 17.80.070” as a permitted use in
8 the Main Street Area, Interior Area, and Oceanfront Area.

9
10 **Section 18.** Lincoln City Municipal Code Section 17.42.020, Park (P) Zone, Permitted
11 uses, is amended to read as follows:

12
13 **17.42.20 Permitted uses.**

14 The following uses are permitted in the Park (P) zone:

- 15 A. Public park, playgrounds, recreational buildings and facilities;
- 16 B. Public athletic fields and facilities including but not limited to
17 baseball/softball/soccer fields, basketball courts, volleyball courts,
18 swimming pools, and gymnasiums;
- 19 C. Public community centers and auditoriums;
- 20 D. Concession stands with approval of the parks director in conjunction with
21 recreational activities sponsored by the city;
- 22 E. Special events as approved by the city manager;
- 23 F. Vendors holding permits as approved by the planning and community
24 development director in accordance with the standards set forth in Chapter
25 5.28 LCMC;
- 26 G. Uses permitted in the open space zone;
- 27 H. Public parking for park use;
- 28 I. Such other uses as the planning and community development director
29 determines to be in accordance with the primary purpose of the park zone;
- 30 J. Essential emergency communications and warning facilities;
- 31 K. Community gardens.

32
33 **Section 19.** The following new provisions are added to Chapter 17.80 of the Lincoln
34 City Municipal Code as Section 17.80.070:

35
36 **17.80.070 Animals and gardens**

37 **1. Animals.** The keeping of small animals, farm animals, domestic fowl, and worms
38 is permitted in all zones as an accessory use to any principal use permitted
39 outright or to a permitted conditional use, in each case subject to the standards of
40 this Section.

- 41 A. **Small Animals.** Up to three small animals may be kept accessory to each
42 business establishment or dwelling unit on a lot, except as follows:

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1. In no case is more than one miniature potbelly pig allowed per business establishment or dwelling unit.

2. In single-family zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this section;

b. up to four small animals are permitted on lots of at least 20,000 square feet; and

c. one additional small animal is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet. Accessory structures, including kennels, for four or more animals must be at least ten feet from any other lot in a residential zone.

B. Domestic Fowl. Up to five domestic fowl may be kept accessory to any principal use on any lot in addition to the small animals permitted in subsection A. For each 1,000 square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each 1,000 square feet of lot area in excess of 5,000 square feet, one additional domestic fowl may be kept. The keeping of peafowl is prohibited.

C. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted accessory to any principal use only on lots of at least 20,000 square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection 2.A. of this section.

1. One farm animal for every 10,000 square feet of lot area is permitted.

2. Farm animals and structures housing them must be kept at least 50 feet from any lot in a residential zone.

D. Vermiculture. Vermiculture is allowed accessory to any principal use on any lot, provided that the surface area of all bins used for vermiculture does not exceed two square feet for each 1,000 square feet of lot area. Vermiculture bins must be located at least ten feet from any abutting properties.

2. Gardens. Gardens are permitted in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section.

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A. **Personal gardens.** Personal gardens are allowed as an accessory use on any lot. Personal gardens may be used to meet part or all of any landscaping requirement set out in this code. Personal gardens may include structures such as cold frames, greenhouses, and hoop houses in any yard other than a required front yard or street side yard and do not count against the allowed lot coverage in any zone, even if the structure requires a building permit. To the extent such structures require a building permit they may not be located closer than three feet to any property line.

B. **Community gardens.** Community gardens, including those allowed as a principal use under the regulations of any zone, may include structures such as cold frames, greenhouses, and hoop houses. If the community garden is an use accessory to a principal use involving a building, such structures may be located in any yard other than a required front yard or street side yard and do not count against the allowed lot coverage in any zone, even if the structure requires a building permit. To the extent such structures require a building permit they may not be located closer than three feet to any property line (five feet in a residential zone). Community gardens may include a tool house or other storage building not exceeding ten feet by ten feet or ten feet in height and not located closer than three feet to any property line. No off-street parking spaces are required for a community garden.

C. **Market gardens.** Market gardens, including those allowed as a principal use under the regulations of any zone, may include structures such as cold frames, greenhouses, and hoop houses. If the market garden is an use accessory to a principal use involving a building, such structures may be located in any yard other than a required front yard or street side yard and do not count against the allowed lot coverage in any zone, even if the structure requires a building permit. To the extent such structures require a building permit they may not be located closer than three feet to any property line (five feet in a residential zone). Market gardens may include a tool house or other storage building not exceeding ten feet by ten feet or ten feet in height and not located closer than three feet to any property line. No off-street parking spaces are required for a market garden that is accessory to a principal use that requires parking. If a market garden is a principal use at least one parking space must be provided for the first 5,000 square feet of garden area or portion thereof, and for each 5,000 square feet of garden area beyond the first 5,000 square feet. Market gardens are not subject to the home occupation requirements of Lincoln City Municipal Code Section 17.52.010.E. Operators of market gardens are subject to the occupation tax requirements of Lincoln City Municipal Code Chapter 5.04.

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Section 20. Findings. The provisions set out in Exhibit A are adopted as findings in support of the City Council's decision that the ordinance complies with the statewide planning goals and Lincoln City's Comprehensive Plan:

Section 21. Severability. If any portion of this ordinance is determined invalid by a court of competent jurisdiction, with all appeal rights exhausted or the time for appeal having expired, then the invalid portion shall be deemed severed from this ordinance and the remainder shall continue in full force and effect.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of June, 2009.

Lori Hollingsworth
LORI HOLLINGSWORTH, MAYOR

ATTEST:

Cathy Steere
CATHY STEERE, CITY RECORDER

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. 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 the proposed ordinance in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" Even though the proposed ordinance deals with urban agriculture all the areas potentially affected by it are located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands as that term is used in this goal will be affected by the ordinance. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands" The areas affected by the proposed ordinance are located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas affected by the proposed ordinance are located within the City's Urban Growth Boundary. The proposed ordinance does not authorize any uses inconsistent with the purposes of the Open Space or Park zones. Because it allows only limited location of animals on a site and allows garden as an accessory use it does not adversely affect the city's one property listed on the National Register of Historic Places, the Dorchester House. The areas subject to the proposed ordinance also include some sites adjacent to areas designated as significant aesthetic resources, but because the amendments relate only to uses already allowed they do not directly authorize any development inconsistent with

the aesthetic nature of the sites. Therefore, the proposed ordinance is consistent with Goal 5.

- (6) Goal 6: "Air, Water and Land Resources Quality" Because the proposed ordinance will not serve to increase the waste and process discharges already being generated within the affected areas, and through encouragement of gardening may serve to reduce or offset these pollutants the proposed ordinance is consistent with Goal 6.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" The areas affected by the proposed ordinance include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the proposed ordinance does not authorize any development inconsistent with these natural hazard standards. Therefore the proposed ordinance is consistent with Goal 7.
- (8) Goal 8: "Recreational Needs" The proposed ordinance does not authorize any development inconsistent with the recreational needs of the community, region, or state, and in fact authorizes uses that usually are recreational in character. Therefore, the proposed ordinance is consistent with Goal 8.
- (9) Goal 9: "Economic Development" The proposed ordinance does not adversely affect the availability of land suitable for industrial and commercial development. Because the proposed ordinance allows market gardening it is expected to promote this aspect of economic development in Lincoln City. Therefore, the proposed ordinance is consistent with Goal 9.
- (10) Goal 10: "Housing" The proposed ordinance does not affect residential development. Therefore, the proposed ordinance is consistent with Goal 10.
- (11) Goal 11: "Public Facilities and Services" Existing City water and sewer infrastructure and treatment facilities will not be affected by the proposed ordinance, nor will their ability to serve surrounding properties be affected. Therefore, the proposed ordinance is consistent with Goal 11.
- (12) Goal 12: "Transportation" The proposed ordinance does not adversely affect any transportation facility since it relates primarily to uses accessory to already allowed uses or to low impact agricultural uses. Therefore, the proposed ordinance is consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" The proposed ordinance does not change any land use patterns and development already allowed and therefore will not have any effect on Energy Conservation. Therefore, the proposed ordinance is consistent with Goal 13.

- (14) Goal 14: "Urbanization" The proposed ordinance does not increase or decrease densities allowed, and accordingly does not tend to promote the expansion of the Urban Growth Boundary. Therefore, the proposed ordinance is 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 proposed ordinance include some areas adjacent to a designated estuarine resource. However, the proposed ordinance, by itself, does not authorize any development. Therefore, the proposed ordinance is 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 that have been designated as significant natural or aesthetic resources. But the proposed ordinance does not authorize any development in the coastal shorelands that is inconsistent with the conservation of the coastal resources. Therefore the proposed ordinance is consistent with Goal 17.
- (18) Goal 18: "Beaches & Dunes" The affected areas of the proposed ordinance 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 proposed ordinance are solely on the dry land areas of the city, the proposed ordinance will not affect the nearshore ocean and continental shelf. Therefore, the proposed ordinance is 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 these amendments 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 Proposed ordinance 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 proposed ordinance. Because the proposed ordinance does not authorize any development it 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 proposed ordinance does not affect the densities of properties in Lincoln City because it does not authorize or prohibit any particular development. Since it will not affect development it will not affect the transition of land uses from rural to urban. 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 proposed ordinance include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the proposed ordinance 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."

Because the proposed ordinance does not limit residential uses, it will not affect the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the local area. Therefore, it is 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."

Because the proposed ordinance does not limit tourist-related land uses, it does not affect the economic development of the city, except to the extent the allowance of market gardens promotes economic diversification. The proposed ordinance, 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."

The proposed ordinance allows and promotes gardening and may positively affect the aesthetic quality of development permitted under the existing zoning ordinance. Thus 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 proposed ordinance does not include any provisions authorizing any development and accordingly it does not create any additional transportation impacts on the existing transportation system. Therefore, this goal is satisfied.

(10) Energy Goal

"To conserve energy."

The proposed ordinance will not have any adverse effects on the energy goal because it encourages growing food locally, thereby reducing the need to use energy to transport food. Therefore, the goal is satisfied.

(11) Overall Environmental Goal

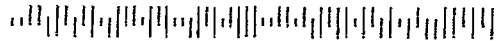
"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The proposed ordinance will not have any adverse effects on the natural environment. They do not add any development in any zone. This goal is satisfied.

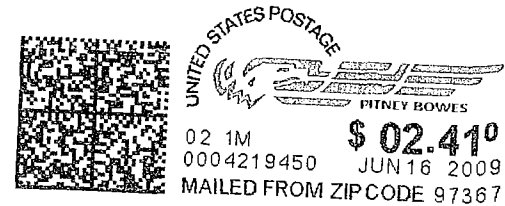
(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

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

The 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 that have been designated as significant natural or aesthetic resources. But the proposed ordinance does not authorize any development in the coastal shorelands that is inconsistent with the conservation of the coastal resources. Therefore the proposed ordinance is consistent with this goal.



JR 97367



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