



**Oregon**  
Theodore R. Kulongoski, 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**

7/27/2009

**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 004-09A

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, August 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.

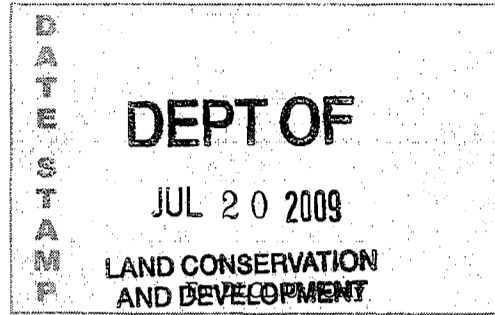
**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**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 2009-01-A  
Date of Adoption: 07/13/09 Date Mailed: 07/17/09  
Date original Notice of Proposed Amendment was mailed to DLCD: 07/06/09

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

Temporary provisions extending previously adopted standards applicable to permits issued for vacation rental dwellings ~ to provide an orderly transition for existing permit holders and to allow continuing enforcement of violations. Emergency circumstances required expedited action on this matter.

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: city wide Acres Involved: \_\_\_\_\_  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: \_\_\_\_\_  
Was and Exception Adopted?  YES  NO

DLCD File No.: 004-09A (17471) [15623]

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:

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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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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**ORDINANCE NO. 2009-11**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY TEMPORARILY  
EXTENDING PREVIOUSLY ADOPTED STANDARDS APPLICABLE TO PERMITS  
ISSUED FOR VACATION RENTAL DWELLINGS; TEMPORARILY RE-  
ADOPTING ORDINANCE NO. 2007-11 AND ORDINANCE NO 2008-07 IN THEIR  
ENTIRETY; AMENDING ORDINANCE NO. 2009-02, ORDINANCE NO. 2009-03,  
AND ORDINANCE NO. 84-02; AND DECLARING AN EMERGENCY**

The City Council of Lincoln City ordains as follows:

**Section 1. Adoption of Ordinance No. 2007-11 and No. 2008-07.** Ordinance No. 2007-11 and Ordinance No. 2008-07, as in effect June 21, 2009, are hereby readopted in their entirety and shall be made effective along with the amendments of this ordinance as of June 22, 2009.

**Section 2. Temporary Duration.** The provisions of Ordinance No. 2007-11 and Ordinance No. 2008-07 as re-adopted in Section 1 will continue to apply to all vacation rental dwelling permits issued under those ordinances as of June 21, 2009 until such time as the permits expire under their terms or on the latest possible renewal date, or expire by operation of law under Ordinance No. 2007-11 and Ordinance No. 2008-07, whichever comes first.

**Section 3. VRD Permit Change to License on Renewal.** A vacation rental permit due to expire December 31, 2009 will be subject to renewal only as a license under the provisions of Ordinance No. 2009-02 and No. 2009-03.

**Section 4. Ordinance Amendments Adopted.**

- A. Ordinance No. 2009-02 and Ordinance No. 2009-03 are amended to the extent necessary and required to accommodate the temporary provisions of this ordinance.
- B. Ordinance 2009-02, Section 1, is amended and renumbered to add the following provision:
  - D. Violation; penalties; sanction.
    - 2. Operating a vacation rental dwelling in violation of any of the standards of section 17.80.050 B is a Class A violation enforceable as provided in Chapter 1.16, grounds to suspend or revoke a license under Chapter 5.14, and a nuisance.
- C. Ordinance No. 84-02 is hereby amended.

**Section 5. Clarification of Permits and Licenses.** Ordinance No. 2009-02 and Ordinance No. 2009-03 as amended provide for a vacation rental permit to continue to be regulated under Ordinance No. 2008-11 and Ordinance No. 2008-07 (which shall be temporarily in effect as provided in Section 2 of this ordinance). A vacation rental dwelling license or renewal license issued on or after June 22, 2009 will be regulated under the standards adopted in Ordinance No. 2009-02, Ordinance No. 2009-03, and Ordinance No. 2009-08.

**Section 6. Severance.** 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,

1 then the invalid portion shall be deemed severed from this ordinance and the remainder shall  
2 continue in full force and effect.

3  
4 **Section 7. Delegation of Authority to Correct Errors.** The City Council delegates to the  
5 City Recorder the authority to make any required corrections due to scrivener's errors,  
6 including but not limited to cross-references, and to make such changes prior to codifying this  
7 ordinance.

8  
9 **Section 8. Findings Adopted.** The findings of this section are adopted in support of the  
10 conclusion this ordinance complies with the statewide planning goals, Lincoln City's  
11 Comprehensive Plan, and the unamended portions of Lincoln City Municipal Code Title 17.

12  
13 **A. Statewide Planning Goals**

- 14  
15 (1) Goal 1: "Citizen Involvement" All proposed documents were made available for  
16 public review and purchase and assistance was available to interpret and explain the  
17 technical information. Hearing notices were published in local papers in accordance  
18 with notice requirements. Therefore, the ordinance is consistent with Goal 1.  
19  
20 (2) Goal 2: "Land Use Planning" This goal is to establish a land use planning process and  
21 policy framework as a basis for all decisions and actions related to use of land and to  
22 insure an adequate factual basis for such decisions and actions. The Lincoln City  
23 Comprehensive Plan and its implementation measure, the Lincoln City Zoning  
24 Ordinance, was adopted by the City Council of Lincoln City after public hearings and  
25 have been reviewed on a periodic cycle to take into account changing public policies  
26 and circumstances. Opportunities were provided for review and comment by citizens  
27 and affected governmental units during preparation, review, and revision of the plan  
28 and implementing ordinances. Review of this ordinance in accordance with the  
29 Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions  
30 establishes conformance with this goal.  
31  
32 (3) Goal 3: "Agricultural Lands" The areas affected by the ordinance are located within  
33 the City's Urban Growth Boundary. The area is currently designated and zoned for  
34 urban development and will remain as such. No agricultural lands will be affected by  
35 the ordinance. Therefore, Goal 3 is not applicable.  
36  
37 (4) Goal 4: "Forest Lands" The areas affected by the ordinance are located within the  
38 City's Urban Growth Boundary. The area is zoned for urban development.  
39 Moreover, the affected areas do not contain any designated forest lands. Therefore,  
40 Goal 4 is not applicable.  
41  
42 (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas  
43 affected by the Ordinance are located within the City's Urban Growth Boundary. The  
44 Ordinance do not include any areas currently zoned Open Space or Park, where  
45 residences are not allowed. They do not include the city's one property listed on the  
46 National Register of Historic Places, the Dorchester House. The areas subject to the  
47 Ordinance also include some sites adjacent to areas designated as significant aesthetic

- 1 resources, but because the amendments relate only to uses already allowed they do not  
2 directly authorize any development inconsistent with the aesthetic nature of the sites.  
3 Therefore, the Ordinance is consistent with Goal 5.  
4
- 5 (6) Goal 6: "Air, Water and Land Resources Quality" Because it relates only to uses  
6 already allowed under the existing zoning ordinance, the ordinance will not serve to  
7 increase the waste and process discharges already being generated within the affected  
8 areas. Such discharges include solid waste, thermal, noise, atmospheric or water  
9 pollutants, contaminants or products therefrom. Therefore the ordinance is consistent  
10 with Goal 6.  
11
- 12 (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" The areas affected by the  
13 ordinance include some identified Natural Hazards areas. The city already has  
14 acknowledged ordinance standards relating to development in these areas, and the  
15 ordinance does not authorize any development inconsistent with these natural hazard  
16 standards. Therefore the ordinance is consistent with Goal 7.  
17
- 18 (8) Goal 8: "Recreational Needs" The areas affected by the ordinance do not include any  
19 areas zoned for open space or park use, nor do they of themselves authorize any  
20 development inconsistent with the recreational needs of the community, region, or  
21 state. Therefore, the ordinance is consistent with Goal 8.  
22
- 23 (9) Goal 9: "Economic Development" The ordinance does not affect the availability of  
24 land suitable for industrial and commercial development. They do not relate to lands  
25 zoned for industrial development. Because the ordinance does not affect commercial or  
26 industrial lands it is not expected to have any effect on economic development in Lincoln  
27 City. Therefore, the ordinance is consistent with Goal 9.  
28
- 29 (10) Goal 10: "Housing" The ordinance does not by itself affect residential development.  
30 By itself the ordinance does not affect the availability of housing because it relates  
31 only to housing that already is allowed and to a use that is merely accessory to the  
32 primary use of the structures they are in as second homes. Therefore, the ordinance is  
33 consistent with Goal 10.  
34
- 35 (11) Goal 11: "Public Facilities and Services" Existing City water and sewer  
36 infrastructure and treatment facilities will not be affected by the ordinance, nor will their  
37 ability to serve surrounding properties be affected, because the ordinance do not authorize  
38 any uses not already allowed by the zoning ordinance. Therefore, the ordinance is  
39 consistent with Goal 11.  
40
- 41 (12) Goal 12: "Transportation" The ordinance is consistent with the City's *Comprehensive*  
42 *Plan* and *Transportation Master Plan* because it does not affect the uses already  
43 allowed under the zoning ordinance, which itself implements the *Comprehensive Plan*  
44 and because it does not adversely affect any transportation facility since it relates only  
45 to uses already allowed. Therefore, the ordinance is consistent with Goal 12.  
46

- 1 (13) Goal 13: "Energy Conservation" The ordinance do not change any land use patterns  
2 and development already allowed and therefore will not have any effect on Energy  
3 Conservation. Therefore, the ordinance is consistent with Goal 13.  
4
- 5 (14) Goal 14: "Urbanization" The proposed ordinance does not change any uses already  
6 allowed, nor add to those uses, nor increase or decrease densities allowed, and  
7 accordingly does not tend to promote the expansion of the Urban Grown Boundary.  
8 Therefore, the ordinance is consistent with Goal 14.  
9
- 10 (15) Goal 15: "Willamette River Greenway" The affected areas are not located within the  
11 Willamette River Greenway. Therefore, Goal 15 is not applicable.  
12
- 13 (16) Goal 16: "Estuarine Resources" The affected areas of the ordinance include some  
14 areas adjacent to a designated estuarine resource. However, the ordinance, by itself,  
15 does not authorize any development. Therefore, the ordinance consistent with Goal  
16 16.  
17
- 18 (17) Goal 17: "Coastal Shorelands" The city's coastal shorelands include all land west of  
19 Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake  
20 and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water  
21 elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal  
22 shorelands include some areas of residential zoning, and also include areas that have  
23 been designated as significant aesthetic resources. But the ordinance does not itself  
24 authorize any changes in development in the coastal shorelands area since it relates  
25 only to development already allowed under the zoning ordinance. Therefore the  
26 ordinance is consistent with Goal 17.  
27
- 28 (18) Goal 18: "Beaches & Dunes" The affected areas of the ordinance are not located  
29 within a beach or active dune area. Therefore, Goal 18 is not applicable.  
30
- 31 (19) Goal 19: "Ocean Resources" Because the affected areas of the ordinance are solely on  
32 the dry land areas of the city, and because the ordinance will not by itself authorize  
33 any development, the ordinance will not affect the nearshore ocean and continental  
34 shelf. Therefore, the ordinance is consistent with Goal 19.  
35

36 **B. Comprehensive Plan Goals**

37  
38 (1) Planning Goal

39  
40 *"To establish a land use planning process and policy framework as a basis for*  
41 *all decisions and actions related to use of land and to assure an adequate*  
42 *factual base for such decisions and actions."*  
43

44 The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln  
45 City Zoning Ordinance, was adopted by the City Council of Lincoln City after public  
46 hearing and has been reviewed on a periodic cycle to take into account changing  
47 public policies and circumstances. Opportunities were provided for review and

1 comment by citizens and affected governmental units during preparation, review, and  
2 revision of the plan and implementing ordinances. Review of these amendments in  
3 accordance with the Lincoln City Comprehensive Plan and the applicable zoning  
4 ordinance provisions, establishes conformance with this goal.  
5

6 (2) Citizen Involvement Goal  
7

8 *"Develop a Citizen Involvement Program which ensures the continued*  
9 *participation of citizens in the land use planning process."*  
10

11 The City has developed a Citizen Involvement Program. In addition, the  
12 public hearing process, with notice to the public and property owners and  
13 review of the Ordinance by the Planning Commission (a citizen board), and the  
14 City Council (a citizen board) establishes conformance with this goal.  
15

16 (3) Public Services and Utilities Goal  
17

18 *"To plan and develop a timely, orderly, and efficient arrangement of public*  
19 *facility and services which compliment the area and serve as a framework for*  
20 *urban and rural development."*  
21

22 Public services and utilities generally already are in place in the areas affected by the  
23 ordinance. Because the proposed ordinance does not authorize any development it  
24 will not adversely affect the availability or arrangement of public services and utilities.  
25 The goal is satisfied.  
26

27 (4) Urbanization Goal  
28

29 *"To promote an orderly and efficient transition of land uses from rural to*  
30 *urban."*  
31

32 The ordinance does not affect the densities of properties in Lincoln City because it  
33 does not authorize or prohibit any particular development. Since they will not affect  
34 development (the development to which it relates already is authorized by the zoning  
35 ordinance) it will not affect the transition of land uses from rural to urban. This goal is  
36 satisfied.  
37

38 (5) Natural Hazard Goal  
39

40 *"The City shall control development in hazardous areas to protect life and property*  
41 *from natural disasters and hazards."*  
42

43 The areas affected by the ordinance include some identified Natural Hazards areas.  
44 The city already has acknowledged ordinance standards relating to development in  
45 these areas, and the ordinance does not authorize any development inconsistent with  
46 these natural hazard standards. This goal is satisfied.  
47



1 (6) Housing Goal

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

4

5 Because the ordinance does not change what uses, including residential uses, are  
6 allowed under the existing zoning ordinance it will not affect the availability of  
7 adequate numbers of needed housing units at price ranges and rent levels  
8 commensurate with the local area. Therefore, it is consistent with the housing goal.

9

10 (7) Economy Goal

11

12 *"To support the tourist industry and achieve a degree of diversity in the*  
13 *community which will allow a balanced economy that will, in turn, support an*  
14 *adequate level of services for all members of the area."*

15

16 Because the ordinance does not change any land uses already allowed or prohibited,  
17 including tourist-related land uses, the ordinance does not affect the economic  
18 development of the city. The ordinance, therefore, meets the goal.

19

20 (8) Aesthetic Goal

21

22 *"To develop a livable and pleasing city which enhances man's activities while*  
23 *protecting the exceptional aesthetic quality of the area."*

24

25 The ordinance does not change any land uses already allowed or prohibited, and does  
26 not address the aesthetic quality of development permitted under the existing zoning  
27 ordinance. Since the zoning ordinance has been found to be consistent with the  
28 comprehensive plan, including this goal, this goal is satisfied.

29

30 (9) Transportation Goal

31

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

34

35 The ordinance does not include any provisions authorizing any development and  
36 accordingly it does not, of itself, create any additional transportation impacts on the  
37 existing transportation system. Therefore, this goal is satisfied.

38

39 (10) Energy Goal

40

41 *"To conserve energy."*

42

43 The proposed ordinance will not have any adverse effects on the energy goal because  
44 it neither allows nor prohibits any land use. Therefore, the goal is satisfied.

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1 (11) Overall Environmental Goal

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

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*"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."*

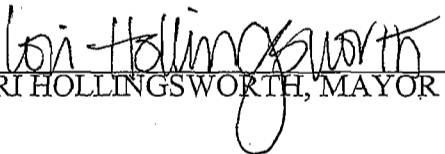
The ordinance will not, of itself, have any adverse effects on the natural environment. It does not add or delete any allowed uses or development in any zone. This goal is satisfied.

*"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 residential zoning, and also include areas that have been designated as significant aesthetic resources. But the ordinance does not itself authorize any changes in development in the coastal shorelands area since it relates only to development already allowed under the zoning ordinance. Therefore the ordinance is consistent with this goal.

**Section 9. Declaration of Emergency; Effective Date.** An emergency is hereby declared to exist in that the amendments of this ordinance are immediately required to clarify the status of existing, valid vacation rental permits and new vacation rental dwelling licenses and are necessary to meet the public safety and welfare; therefore this ordinance shall take effect immediately as of the date of its adoption.

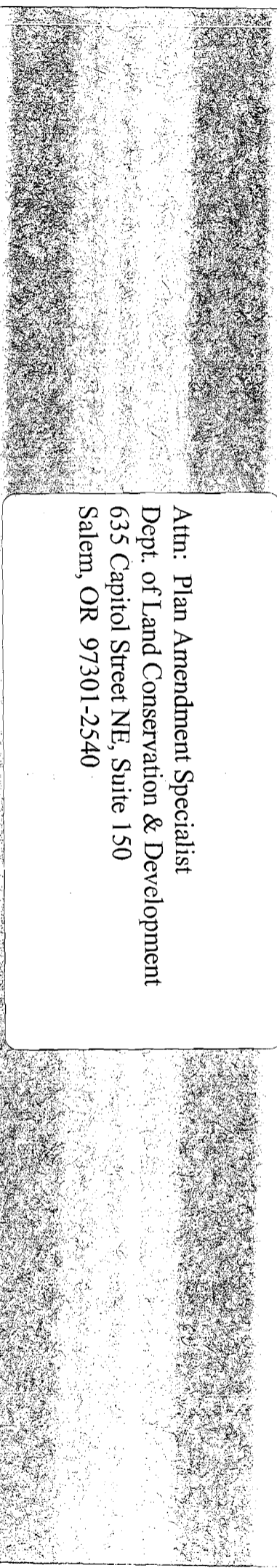
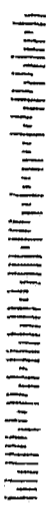
PASSED AND ADOPTED by the City Council of the City of Lincoln City on this 13<sup>th</sup> day of July 2009.

  
LORI HOLLINGSWORTH, MAYOR

ATTEST:

  
CATHY STEERE, CITY RECORDER

PLANNING & (
CITY OF LINC
PO Box 50
LINCOLN CITY, OR 97367



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



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