



**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**

09/12/2011

**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 004-11

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, September 27, 2011

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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Richard Townsend, City of Lincoln City  
Angela Lazarean, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

DATE  
STAMP

DEPT OF

SEP 07 2011

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: City of Lincoln City

Local file number: ZOA 2011-03

Date of Adoption: August 22, 2011

Date Mailed: September 6, 2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 05/06/11

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend Chapter 17.76.020 of the Lincoln City Municipal Code. The amendment will allow staff to manually change ownership and mailing address information throughout the year, for purpose of public notice mailings. The ordinance currently requires use of the most recent tax assessment roll, which becomes outdated throughout the course of the year. This ordinance would allow manual changes to be made upon written verification from the Lincoln County Assessor's Office. The amendment also changes the area of notification from 100 feet to 250 feet, to reflect actual practice of notification.

Does the Adoption differ from proposal? Please select one

No substantive changes.

Plan Map Changed from: n/a

to: n/a

Zone Map Changed from: n/a

to: n/a

Location: city-wide

Acres Involved:

Specify Density: Previous: n/a

New: n/a

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD File No. 004-11 (18823) [16750]



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

n/a

---

Local Contact: Kate Daschel, Assistant Planner

Phone: (541) 996-2153

Extension:

Address: PO Box 50

Fax Number: - -

City: Lincoln City

Zip: 97367

E-mail Address: [kated@lincolncity.org](mailto:kated@lincolncity.org)

---

### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated March 17, 2011

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**ORDINANCE NO. 2011-10**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING CHAPTER 17.76 ADMINISTRATIVE PROVISIONS, TO ALLOW FOR CHANGES IN PROPERTY OWNERSHIP FOR PURPOSE OF PUBLIC NOTICES; EXPANDING NOTIFICATION AREA FOR PUBLIC NOTICES; AMENDING ORDINANCE NO. 84-02, AS AMENDED; AND AMENDING LINCOLN CITY MUNICIPAL CODE TITLE 17**

The City Council finds:

- A. The proposed amendments to the Zoning Ordinance are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.
- C. The Planning Commission, on August 2, 2011 considered the amendments contained within this ordinance. The Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted.
- D. The City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments.
- E. The City Council held a public hearing on August 8, 2011 during which the Council considered the proposed amendments transmitted by the Planning Commission.
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

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

**Section 1.** Lincoln City Municipal Code Section 17.76.020 (B) Mailed Notice, is amended to read as follows:

**17.76.020 Public Notice**

**B. Mailed Notice.**

1. The city shall mail notice of hearings or actions requiring notice pursuant to the provisions of this title to the applicant and to owners of record of property located within 250 feet from the exterior boundary of the subject property, and also to any neighborhood or community organization recognized as such by the city council, whose boundaries include the subject property. The city shall mail notice at least 20 days before the hearing for applications for conditional uses, variances and discretionary land use decisions made by staff and the appeals there from, and at least 10 days before the hearing for applications for quasi-judicial text or map amendments to this title, and quasi-judicial comprehensive plan map amendments. In addition, if



1 so requested in the application, the city also shall mail notice to the Oregon Department of Land  
2 Conservation and Development. For the purpose of this section, the "owners of record" is  
3 defined as property owners at mailing addresses verified in writing by the Lincoln County  
4 Assessor's Office, and includes changes in ownership and mailing address that are readily  
5 available since the most recent property tax assessment.

6 2. If an application would change the zone of property which includes all or part of a mobile  
7 home or manufactured dwelling park as defined in ORS 446.003, the city shall give written  
8 notice by first class mail to each existing mailing address for tenants of the park at least 20 but  
9 not more than 40 days before the date of the first evidentiary hearing on the application. Failure  
10 of a tenant to receive a notice shall not invalidate the zone change.

11 3. The city shall mail notice of an appeal from a planning commission decision to all persons  
12 who gave testimony before the planning commission orally or in writing.

13 4. Failure of a property owner, neighborhood or community association, or DLCD to receive  
14 required notice shall not invalidate such proceedings, if the city can demonstrate by affidavit that  
15 such notice was given.

16

17 **Section 2. Delegation of Authority to Correct Errors.** The City Council delegates to the  
18 City Recorder the authority to make any required corrections due to scrivener's errors, including  
19 but not limited to cross-references,.

20

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

25

26 **Section 4. Effective Date.** This ordinance takes effect 30 days after the date of its adoption.

27

28 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City on this 22nd day  
29 of August, 2011.

30

31

32

33

34

35

36 ATTEST:

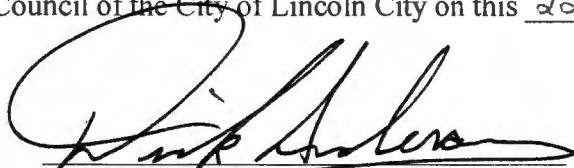
37

38

39

40

41

  
DICK ANDERSON, MAYOR

  
CATHY STEERE, CITY RECORDER

**ORDINANCE 2011-10**  
**EXHIBIT A**

Ordinance 2011-10 makes two minor amendments to Section 17.76.020 (B).1, which establishes rules for providing public notice in land use matters. The amendments encourage greater citizen participation through use of updated owner contact information and, for most types of applications, expanded notification. The City Council finds that the applicable statewide planning goals are #1 and #2, and that the applicable Lincoln City Comprehensive Plan goals are related to Land Use Planning and Citizen Involvement.

Conformance with Statewide Land Use 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 the local newspaper in accordance with notice requirements. The amendments themselves create greater opportunities for citizen involvement because they establish a structure for a more accurate ownership database, and provide notice to a greater number of property owners. Therefore, the amendments are consistent with Goal 1.
- (2) Goal 2: "Land Use Planning" - This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Conformance with the Lincoln City 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 amendments by the Planning Commission (a citizen board), and the City Council (a citizen board) establishes conformance with this goal. The specific ordinance amendments encourage greater citizen participation because for most land use matters, a greater notice area is established. In addition, the ability to update property ownership and mailing address information in real time will provide better public service and greater opportunities for participation.



PLANNING & COMMUNITY DEVELOPMENT  
LINCOLN CITY  
50  
CITY, OR 97367



DEPT OF

SEP 07 2011

LAND CONSERVATION  
AND DEVELOPMENT

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation/Develop.  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

