



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

03/15/2011

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 010-10

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: Wednesday, March 30, 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
Gloria Gardiner, DLCD Urban Planning Specialist

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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
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T
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M
P

DEPT OF
MAR 10 2011
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Lincoln City**

Local file number: **ZOA 2010-10**

Date of Adoption: **02/14/11**

Date Mailed: **03/09/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/01/10

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".

Codified limitations on electronic message signs, and defined flashing signs. Defined the interval of change between messages and allowable transitions between messages. Allowed variable message or video-type signs without limitation, but only where such signs are not observable from any street or adjacent properties.

Does the Adoption differ from proposal?

No substantive changes.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **citywide**

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 checked="" 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. 010-10 (18553) [16555]

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

Local Contact: **Richard Townsend**

Phone: **(541) 996-2153** Extension:

Address: **PO Box 50**

Fax Number: **541-996-1284**

City: **Lincoln City**

Zip: **97367**

E-mail Address: **rtown@lincolncity.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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) of 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.

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

Updated December 16, 2010

1 prohibited. A change in light intensity around sunset or sunrise to bring the
2 illumination to an appropriate daytime or nighttime level is not "flashing" as that
3 term is used in this ordinance.

4 **Section 2.** Lincoln City Municipal Code Section 17.72.050.A. is amended to read as
5 follows:

6
7 A. Moving and Flashing Signs. Flashing signs and signs that revolve, rotate,
8 swing, undulate or otherwise attract attention through the movement or flashing of
9 parts, or through the impression of movement or flashing, except for:

- 10 1. Signs that are fully located within an enclosed building and are not
11 observable from the exterior of such buildings.
12 2. Flashing or changing message signs located outside an enclosed
13 building, but not observable from any public or private right-of-
14 way or other properties.
15

16 **Section 3.** The City Council delegates to the City Recorder the authority to make any
17 required corrections due to scrivener's errors, including but not limited to cross-
18 references, and to make such changes prior to codifying this ordinance.
19

20 **Section 4.** In the event that any provision of this ordinance is determined by a court of
21 competent jurisdiction to be invalid or unenforceable, such invalid provision shall be
22 severed and the remaining provisions of the ordinance that have not been held invalid or
23 unenforceable shall continue to be valid and enforceable to the fullest extent permitted by
24 law.

25 PASSED AND ADOPTED by the City Council of the City of Lincoln City this
26 14 day of February 2011.

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30 DICK ANDERSON, MAYOR

31 ATTEST:

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33 
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35 CATHY STEEPE, CITY RECORDER

ORDINANCE 2011-02
EXHIBIT A

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 in Title 17. 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 measures, the Lincoln City Zoning and Subdivision Ordinance, were 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 and subdivision ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" - The proposed amendments change the allowable interval and transition method for electronic message signs. The areas affected by the proposed amendments 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 will be affected by the amendments. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands" - The areas affected by the proposed amendments 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 proposed amendments are minor revisions to the sign ordinance. The amendments do not by themselves authorize any development inconsistent with open space, scenic, significant natural resource, or historic designations. The amendments are consistent with Goal 5.
- (6) Goal 6: "Air, Water and Land Resources Quality" - The proposed amendments to sign regulations will not increase the waste and process discharges already being generated within the city. Goal 6 is not applicable.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" - The proposed amendments to the sign ordinance do not authorize any development inconsistent with natural hazard standards. Goal 7 is not applicable.

- (8) Goal 8: "Recreational Needs" – The proposed amendments do not authorize any development inconsistent with the recreational needs of the community, region, or state. Therefore, the proposed amendments are consistent with Goal 8.
- (9) Goal 9: "Economic Development" - The proposed amendments allow greater flexibility in the use of electronic message signs, and also allow placement of video-type message signs where they cannot be outside the development itself. The proposed amendments do not affect the availability of land suitable for industrial and commercial development. Because the proposed amendments do not affect commercial or industrial lands they are not expected to have any effect on economic development in Lincoln City, although the new regulations may better meet the needs of the business community in conveying availability of goods, services and events. Therefore, the proposed amendments are consistent with Goal 9.
- (10) Goal 10: "Housing" - The proposed amendments do not affect the availability of housing. Therefore, the proposed amendments are 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 amendments, nor will their ability to serve surrounding properties be affected. Therefore, the proposed amendments are consistent with Goal 11.
- (12) Goal 12: "Transportation" - The proposed amendments are consistent with the City's *Comprehensive Plan* and *Transportation Master Plan* because they do not affect the uses already allowed under the zoning ordinance, which itself implements the *Comprehensive Plan*. The proposed amendments are consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" - The proposed amendments by themselves will have no effect on energy conservation. The amendments are consistent with Goal 13.
- (14) Goal 14: "Urbanization" - The proposed amendments will not affect the need to expand the Urban Growth Boundary. The amendments are consistent with Goal 14.
- (15) Goal 15: "Willamette River Greenway" - The City is not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.
- (16) Goal 16: "Estuarine Resources" – The sign ordinance amendments do not authorize any development affecting estuarine resources; Goal 16 is not applicable.
- (17) Goal 17: "Coastal Shorelands" - The sign ordinance amendments do not authorize any development in the city's coastal shorelands; Goal 17 is not applicable.
- (18) Goal 18: "Beaches & Dunes" - The sign ordinance amendments do not authorize any development in a beach or active dune area; therefore, Goal 18 is not applicable.

- (19) Goal 19: "Ocean Resources" - The amendments do not authorize any development affecting ocean resources; therefore, Goal 19 is not applicable.

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 measures, the Lincoln City Zoning and Subdivision Ordinances, were adopted by the City Council of Lincoln City after public hearing 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 these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning and subdivision 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.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development."

The proposed amendments will revise regulations for electronic message signs. Existing City water and sewer infrastructure and treatment facilities will not be affected by the proposed amendments, nor will their ability to serve surrounding properties be affected. The amendments are consistent with this goal.

(4) Urbanization Goal

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

The proposed amendments to the sign ordinance will not affect the need to expand the Urban Growth Boundary. Therefore, the amendments are consistent with this goal.

(5) Natural Hazard Goal

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

The city already has acknowledged ordinance standards relating to development in natural hazard areas, and the proposed amendments do not authorize any development inconsistent with these natural hazard standards. The amendments are consistent with this goal.

(6) Housing Goal

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

The amendments do not affect the availability of housing. Therefore, the proposed amendments are consistent with this goal.

(7) Economy Goal

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

The proposed amendments change the definition of prohibited flashing signs, so that electronic message centers can change messages once an hour. This change may better serve the needs of the business community and improve communication of available goods, services and events, including tourist-oriented services and events. The proposed amendments, 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 amendments modify regulations for electronic message signs. The amendments do not by themselves authorize any development inconsistent with preservation of aesthetic or other natural resources. The amendments are consistent with this goal.

(9) Transportation Goal

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

The amendments do not, of themselves, create any additional transportation impacts on the existing transportation system. Therefore, the amendments are consistent with this goal.

(10) Energy Goal

"To conserve energy."

The proposed amendments will not have any adverse effects on the energy goal. Therefore, the amendments are consistent with this goal.

(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 amendments will not, of themselves, have any adverse effects on the natural environment. 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. The proposed amendments do not themselves authorize any changes in development in the coastal shorelands area. Therefore the proposed amendments are consistent with this goal.

EVELOPMENT

7



DEPT OF
MAR 10 2011
LAND CONSERVATION
AND DEVELOPMENT

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