



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

12/05/2011

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 010-11

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: Wednesday, December 14, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The 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
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

In person electronic mailed

U
A
T
E
S
T
A
M
P

DEPT OF

NOV 28 2011

LAND CONSERVATION
AND DEVELOPMENT

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

Jurisdiction: **Lincoln City**

Local file number: **CPA 2011-03**

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

Date Mailed: **11/23/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/29/11

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".

Amending the text of the Lincoln City Comprehensive Plan. The amendment adds a policy to the Transportation chapter of the Plan. The amendment will enable continued development of the U.S. 101: SE 16th – SE 36th Street project identified in the Oregon Department of Transportation 2010-2013 State Transportation Improvement Program (ODOT STIP).

Does the Adoption differ from proposal? Please select one

No

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

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

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. 010-11 (18993) [16850]

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

Oregon Department of Transportation

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 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.

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

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN TO ADD A TRANSPORTATION POLICY ENABLING CONTINUED DEVELOPMENT OF THE US 101: SE 16TH – SE 36TH STREET PROJECT IDENTIFIED IN THE OREGON DEPARTMENT OF TRANSPORTATION STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (ODOT STIP); AND AMENDING ORDINANCE NO. 84-01 (AS AMENDED)

THE CITY OF LINCOLN CITY FINDS THAT:

- A. The Oregon Department of Land Conservation and Development was notified of the proposed amendment on September 30, 2011; and
- B. The Planning Commission considered this matter at an open meeting on October 18, 2011, and recommended approval; and
- C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan on November 14, 2011; and
- D. The proposed Comprehensive Plan text amendment conforms to and is consistent with the City's *Comprehensive Plan* Policies and Statewide Planning Goals for the reasons set forth in Exhibit "A"; and
- E. The proposed Comprehensive Plan text amendment is consistent with all applicable provisions of the Zoning Ordinance including, but not limited to, required initiation, processing and noticing requirements.

NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan of Lincoln City is hereby amended to add the following policy to the Transportation Goal:

"Lincoln City supports constructing a highway improvement project on US 101 in the segment between approximately SE 16th and SE 36th Streets as provided for by the funding identified in the Oregon Department of Transportation's 2010-2013 Statewide Transportation Improvement Program (STIP). This project is intended to restore capacity and reduce congestion by reducing conflicts between vehicles traveling through this segment of US 101 and those turning onto and off of the highway. The project is also intended to improve bicycle and pedestrian facilities along this segment of US 101, but it will not add new travel lanes to US 101 other than a center turn lane. Based on current traffic volumes, traffic volume forecasts, and current Oregon Highway Plan Mobility Standards, this segment of US 101 will need additional travel lanes in the future. However, funding is not available at this time to construct additional through travel lanes. Developing additional capacity on US 101 will only occur through a collaborative process between

1 Lincoln City and ODOT and reaching mutual agreement about funding and
2 design issues.”

3 **Section 2.** The Findings Related to Goals stated in Exhibit A, attached hereto and
4 incorporated by reference as if fully set forth, are adopted in support of this ordinance.

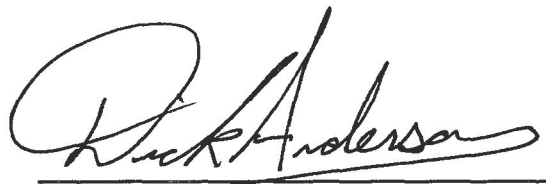
5 **Section 3.** To the extent possible, this ordinance shall be construed and interpreted in such a
6 way as to give effect to all its provisions.

7 **Section 4.** The City Council delegates to the City Recorder the authority to make any
8 required corrections due to scrivener’s errors, including but not limited to cross-references.

9 **Section 5.** If any portion of this ordinance is determined invalid by a court of competent
10 jurisdiction, with all appeal rights exhausted or the time for appeal having expired, then the
11 invalid portion shall be deemed severed from this ordinance and the remainder shall continue
12 in full force and effect.

13 **Section 6.** This ordinance shall take effect thirty (30) days from the date of its adoption.

14 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 14th day of
15 November 2011.

16 
17 DICK ANDERSON, MAYOR

18 ATTEST:

19 
20 CATHY STYER, CITY RECORDER

21 Attachments:
22 Exhibit A: Findings Related to Goals

ORDINANCE NO. 2011-15
EXHIBIT A

**FINDINGS RELATING TO CONFORMITY WITH THE STATEWIDE PLANNING
GOALS AND THE LINCOLN CITY COMPREHENSIVE PLAN**

CPA 2011-03
CITY OF LINCOLN CITY

A. Statewide Planning Goals

This section describes the specific Statewide Planning Goals that are applicable to the specific amendment proposed here. The other Statewide Planning Goals are not applicable to this proposal.

(1) Goal 1: Citizen Involvement

“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

All documents relating to this proposal were made available for public review and purchase. Staff was available to interpret and explain the technical information. Hearing notice was published in the local paper in accordance with notice requirements. The amendment is consistent with Goal 1.

(2) Goal 2: Land Use Planning

“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, 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. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. The proposal is to change the Lincoln City Comprehensive Plan according to the process and based on the criteria provided in the Municipal Code.

(3) Goal 9: Economic Development

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will

provide expanded opportunity for new business and jobs. The proposed policy encourages improvement of the highway. The stretch of highway adjoins areas with commercial and industrial zoning, including substantial areas of undeveloped land. Improving the highway will improve access to these properties and thereby help to promote economic development. The proposed policy is consistent, therefore, with Goal 9.

(4) Goal 11: Public Facilities and Services

“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway more orderly and efficient. The proposed policy encourages improvement of the highway. Therefore, the amendments are consistent with Goal 11.

(5) Goal 12: Transportation

“To provide and encourage a safe, convenient and economic transportation system.”

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway safer and more convenient. The proposed policy encourages improvement of the highway. Therefore the proposed amendment is consistent with Goal 12.

B. Comprehensive Plan Goals

This section describes the specific Comprehensive Plan goals that are applicable to the specific amendment proposed here. The other Comprehensive Plan goals are not applicable to this proposal.

(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 City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities 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.

(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 application by 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.”

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway more orderly and efficient. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.

(4) 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 stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Much of this traffic comes from tourism. Improving this stretch of highway will help to make the city more attractive to tourists. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.

(9) Transportation Goal

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

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway safer and more convenient. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.



City of
Lincoln City

P.O. Box 50
Lincoln City, Oregon 97367



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

DEPT OF

NOV 28 2011

**LAND CONSERVATION
AND DEVELOPMENT**

973012540 C007

