



**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**

04/08/2011

**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 011-10

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:** Friday, May 13, 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:** Debra Martzahn, City of Lincoln City  
Gloria Gardiner, DLCD Urban Planning Specialist  
Matt Spangler, DLCD Regional Representative

<paa> YA



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

LAND CONSERVATION AND DEVELOPMENT

APR 25 2011

DEPT OF

For Office Use Only

Jurisdiction: **City of Lincoln City**

Local file number: **CPA/ZC 2010-02**

Date of Adoption: **April 11, 2011**

Date Mailed: **April 22, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/10/10

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".

Comprehensive Plan Map and Zoning Map amendment – change from Medium Density Residential to Taft Village Core; change from Single-Family Residential (R-1-7.5) to Taft Village Core (TVC). Site is developed with a commercial building formerly used as a fire station, city offices and most recently, Oregon Coast Community College (now relocated). Building is currently unoccupied.

Does the Adoption differ from proposal? Please select one

No change.

Plan Map Changed from: **Medium Density Res.**

to: **Taft Village Core**

Zone Map Changed from: **R-1-7.5 Single-Family**

to: **TVC Taft Village Core**

Location: **1206 SE 48<sup>th</sup> Street (Taft area)**

Acres Involved: **1 ac.**

Specify Density: Previous: **4-5 du/ac.**

New: **15 du/ac.**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
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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.** \_\_\_\_\_

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

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Local Contact: **Debra Martzahn**

Phone: (541) 996-1228 Extension:

Address: **PO Box 50**

Fax Number: 541-996-1284

City: **Lincoln City**

Zip: **97367**

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

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## **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).

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**ORDINANCE NO. 2011-06**

**AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP AND ZONING MAP ADOPTED BY ORDINANCE NO. 84-01 (as amended), FOR 1206 SE 48<sup>TH</sup> STREET TO TAFT VILLAGE CORE.**

**THE CITY OF LINCOLN CITY FINDS THAT:**

- A. The Planning Commission held a duly-noticed public hearing on amendment of the city's Comprehensive Plan Map and Zoning Map (adopted by Ordinance No. 84-01, as amended) on February 1, 2011 and recommended approval; and
- B. The Oregon Department of Land Conservation and Development was notified of the proposed amendment on December 10, 2010; and
- C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan Map and Zoning Map on February 28, 2011, and continued the hearing to March 28, 2011 to allow for additional notice to neighboring renters and property owners; and
- D. The proposed Comprehensive Plan Map and Zoning Map amendments conform to and are 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 Map and Zoning Map amendments are 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 Map of Lincoln City hereby is amended to change the land use designation of 1206 SE 48<sup>th</sup> Place (Map 07-11-27-DC, Tax Lot 00801) from Medium Density residential to Taft Village Core.

**Section 2.** The Zoning Map of Lincoln City is hereby amended to change the zoning designation of 1206 SE 48<sup>th</sup> Place (Map 07-11-27-DC, Tax Lot 00801) from Single-Family Residential (R-1-7.5) to Taft Village Core (TVC).

**Section 3.** This ordinance does not restrict in any way existing zoning ordinance standards related to construction of a single-family dwelling or other residential use of private real property in Lincoln City. In the event this ordinance is interpreted, construed, or applied in such a manner as to give rise to a claim for compensation for a reduction in fair market value of property under ORS 195.310, then to the extent necessary or desired to avoid an obligation to pay compensation under ORS 195.310(5)(a), the city may elect to authorize the use of property without application of this land use regulation as provided in ORS 195.310(5)(b).

**Section 4.** To the extent possible, this ordinance shall be construed and interpreted in such a way as to give effect to all its provisions.

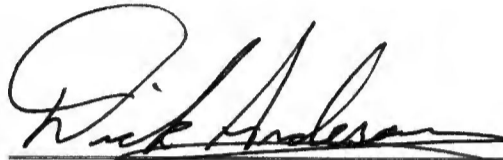
**Section 5.** If any portion of this ordinance is determined invalid by a court of competent jurisdiction, with all appeal rights exhausted or the time for appeal having expired, then the invalid

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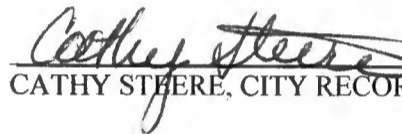
portion shall be deemed severed from this ordinance and the remainder shall continue in full force and effect.

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

**PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 11<sup>th</sup> day of April 2011.

  
DICK ANDERSON, MAYOR

ATTEST:

  
CATHY STERE, CITY RECORDER

Attachments: Exhibit A: Findings Related to Goals

**ORDINANCE NO. 2011-06  
EXHIBIT A**

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

**CPA/ZC 2010-02  
OREGON COAST COMMUNITY COLLEGE  
(Applicant/Property Owner)**

**A. Statewide Planning Goals**

(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. All affected property owners were noticed regarding the public hearings on the proposed Comprehensive Plan Map and Zoning Map Amendments and hearing notices were published in the local paper in accordance with notice requirements. In addition to required notices, a supplementary notice was sent to neighbors in the adjacent mobile home park and to all owners within 250 feet of the subject property, and the hearing was continued to allow for additional citizen involvement. The amendments are 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.”

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, 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 and the applicable zoning map according to the process and based on the criteria provided in the Municipal Code.

(3) Goal 3: Agricultural Lands

“To preserve and maintain agricultural lands.”

The area affected by the proposed comprehensive plan map and zoning map amendments is located within the city’s urban growth boundary. The area currently is designated and zoned for urban development and would remain as such after rezoning. No agricultural lands will be affected by the amendments. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

“To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

The area affected by the proposed comprehensive plan and zoning map amendments is located within the city’s urban growth boundary. The affected area does not include any designated forest lands, therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

“To protect natural resources and conserve scenic and historic areas and open spaces.”

The area affected by the proposed Comprehensive Plan Map and Zoning Map amendments is located inside the city’s urban growth boundary. The one-acre property is developed, but a quarter of an acre of pervious surface remains, which adjoins a wetland that is classified as non-significant. The property does not contain and is not adjacent to city-designated open space and it is not within a scenic or historic area. Because the proposed rezoning would result in no impact to the city’s natural resources and scenic and historic areas, it is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

“To maintain and improve the quality of the air, water and land resources of the state.”

The proposed comprehensive plan map and zoning map amendments and associated future TVC land use could increase the lot coverage and intensity of

use, and consequently, generate more water use and the waste discharges. Water and sanitary services are in place to serve the potential development.

The TVC zone allows 85% impervious coverage, whereas single-family residential allows a maximum of 55%. City regulations would not allow storm water run-off from new coverage to violate federal or state requirements, and if the property were redeveloped to more than 50% of the current value, all storm water would have to be pretreated and detained before being released from the site. The amendments, therefore, are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

“To protect people and property from natural hazards.”

The city’s 1979 hazards map indicates that a “marine terrace with ferrogenous aquacludes” runs east to west through the property, and shows a line representing 100-year flooding. New building coverage and substantial improvement, regardless of zoning or use, would be required to meet FEMA standards and therefore would be consistent with Goal 7.

(8) Goal 8: Recreational Needs

“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”

The proposed Comprehensive Plan Map and Zoning Map amendments would provide expanded opportunity for new business, including those that would be recreation-oriented. New housing units possible under either R-1-7.5 or TVC zoning would trigger park charges, and hotel/motel rooms under TVC zoning would trigger park charges. The proposed amendments, therefore, are consistent with Goal 8.

(9) 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 proposed Comprehensive Plan Map and Zoning Map amendments would provide expanded opportunity for new business and jobs. The site, across the street from commercial use and Taft Village Core zoning, is situated favorably for business that serves local residents and tourists. Because the TVC encourages mixed use, the rezoning is likely to result in increased intensity of use. The proposed rezoning likely would make the site more attractive to investors and more likely to redevelop. It is consistent, therefore, with Goal 9.



(10) Goal 10: Housing

“To provide for the housing needs of citizens of the state.”

The proposed Comprehensive Plan Map and Zoning Map amendments would remove one acre of land from low-density residential development, which at maximum could yield 10 duplex dwelling units. TVC encourages mixed use, and if developed with multi-family dwellings, could allow more units than current zoning. The amendments are consistent with Goal 10.

(11) 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.”

Existing city water and sewer infrastructure and treatment facilities have sufficient capacity to serve the proposed TVC zoning and would not be affected adversely by these amendments. Available service for surrounding properties would not be impacted. Therefore, the amendments are consistent with Goal 11.

(12) Goal 12: Transportation

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

The proposed amendments are for the property at the intersection of SE Inlet Avenue, a local street, and SE 48<sup>th</sup> Street, a collector street. Local streets are designed to provide access to adjoining properties. Collector streets link local streets to arterials (e.g., Highway 101), which carry the highest volume of traffic within a city. A signalized intersection with Highway 101 is less than 200 feet west. Attached is a traffic impact analysis of the zoning change, prepared by staff. Because future use is unknown, the analysis considers a TVC use that would generate the maximum number of auto trips. The analysis concludes that the amendment would not significantly affect an existing or planned transportation facility (e.g. street or intersection). The amendments are consistent with Goal 12.

(13) Goal 13: Energy Conservation

“To conserve energy.”

The option for mixed use in TVC allows for denser development and may result in combining dwelling units (more than allowed in R-1-7.5) with commercial use. The TVC district’s potential for intense use of land and mix of uses could reduce the need for auto trips and, consequently, for energy consumption. The amendments are consistent with Goal 13.

(14) Goal 14: Urbanization

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The proposed Comprehensive Plan and Zoning amendments relate to a previously developed lot that already is zoned for urban development. The rezoning allows for more intense urban use, as mentioned previously, and therefore, is consistent with Goal 14.

(15) Goal 15: Willamette River Greenway

“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

“To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.”

The proposed Comprehensive Plan Map and Zoning Map amendments are not within or adjacent to a designated Estuarine Resource, and therefore, Goal 16 is not applicable.

(17) Goal 17: Coastal Shorelands

“To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon’s coastal shorelands.”

No coastal shoreland is located within the subject property; therefore, Goal 17 is not applicable.

(18) Goal 18: Beaches & Dunes

“To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”

The subject property is not located within a designated beach or active dune area; therefore, Goal 18 is not applicable.

(19) Goal 19: Ocean Resources

“To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.”

The proposed Comprehensive Plan Map and Zoning map amendments would not affect the near-shore ocean and continental shelf; therefore, Goal 19 is not applicable.

**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 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 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 already are in place to serve the site of the proposed amendments. The proposed amendments would not affect the availability or arrangement of public services and utilities adversely. The goal is satisfied.

(4) Urbanization Goal

*“To promote an orderly and efficient transition of land uses from rural to urban.”*

The proposed Comprehensive Plan and Zoning amendments relate to land previously development and zoned for urban development. The new land use designation and TVC zoning allow for more dense and mixed use in the Taft pearl district, which satisfies 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’s 1979 map of natural hazard areas indicates flooding potential and marine terrace with sporadic ferrogenous aquacludes. The National Flood Insurance Program’s rate maps indicate the property is within the AE (100-year) flood zone. Regardless of future use, substantial improvements to the property must meet the NFIP/FEMA regulations, which also address the identified hazards; therefore, Goal 5 is met.

(6) Housing Goal

*“To provide for the housing needs of all citizens.”*

The proposed comprehensive plan map and zoning map amendments would remove one acre of land zoned for low-density residential development, but the new zoning would allow greater housing density and the option to combine it with compatible commercial use. The proposed amendments are 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.”*

The proposed Comprehensive Plan Map and Zoning Map amendments would allow for a variety of commercial uses that would have employees and provide services and goods to tourists and residents. TVC zoning would increase the types of uses possible and the potential return on investment, and consequently, would be more likely to encourage sale and redevelopment of the dilapidated, vacant property. The 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 building on the subject parcel is dilapidated and vacant. The lot lacks good design and landscaping. Rezoning to TVC would increase the types of uses and the potential return on investment in the property, which may encourage redevelopment. Redevelopment on the property would be subject to the TVC design standards, which are intended to preserve the neighborhood character and pedestrian-orientation. 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 site is at an intersection of Inlet Avenue, a local street, and SE 48<sup>th</sup> Place, an urban collector street. Traffic from the site can access Highway 101 via SE 48<sup>th</sup> Street at an existing signalized intersection less than 200 feet to the west. Staff has prepared a traffic analysis that demonstrates no significant impact on any existing or planned transportation system (see attachment). This goal is satisfied.

(10) Energy Goal

*“To conserve energy.”*

The option for mixed use in TVC allows for more dense development and may result in combining dwelling units (more than allowed in R-1-7.5) with commercial use. Attached use would be more energy efficient than detached, single-family dwellings. TVC’s intense use of land and mix of uses would reduce the need for auto trips and consequently, for energy consumption. 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 rezoning would allow re-use of previously developed property. Increasing intensity of use through redevelopment postpones the need for expansion of the UGB. This goal is satisfied.

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

*“To conserve, to protect, to enhance the coastal resources of the city.”*

The proposed Comprehensive Plan Map and Zoning Map amendment is not located within or adjacent to coastal shorelands; therefore, this goal is not applicable.

COMMUNITY DEVELOPMENT  
LINCOLN CITY  
Salem,  
Salem, OR 97367



DEPT OF  
APR 25 2011  
LAND CONSERVATION  
AND DEVELOPMENT

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

