NOTICE OF ADOPTED AMENDMENT

November 7, 2008

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 009-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 24, 2008

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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Richard Townsend, City of Lincoln City
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 2008-06
Date of Adoption: October 27, 2008
Date Mailed: Nov. 3, 2008
Date original Notice of Proposed Amendment was mailed to DLCD: Oct. 10, 2008

☐ Comprehensive Plan Text Amendment
☐ Land Use Regulation Amendment
☐ New Land Use Regulation
☐ Comprehensive Plan Map Amendment
☐ Zoning Map Amendment
☐ Other: Scrivener's errors

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

An ordinance to correct scrivener's errors in Ord. 2008-67 pertaining to vacation rental dwellings.
Correcting a reference to a sunset provision for a grace period on permit renewals; also correcting an error deleting words intended for deletion in the original ordinance.

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”.

No substantive changes

Plan Map Changed from: n/a to:
Zone Map Changed from: n/a to:
Location: n/a Acres Involved:
Specify Density: Previous: n/a New:
Applicable Statewide Planning Goals:
Was and Exception Adopted? ☐ YES ☑ NO

DLCD File No.: 009-08 (17191)
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:

Local Contact: Richard Townsend  Phone: (541) 946-2153 Extension:
Address: PO Box 50  City: Lincoln City
Zip Code + 4: 97663  Email Address: r_townsend@lincoln.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.
ORDINANCE NO. 2008-17

AN ORDINANCE OF THE CITY OF LINCOLN CITY CORRECTING SCRIVENER'S ERRORS IN ORDINANCE NO. 2008-07 PERTAINING TO VACATION RENTAL DWELLINGS; AND DECLARING AN EMERGENCY

The City Council ordains as follows:

Section 1. Approval of corrections.

Two scrivener’s errors in Ordinance No. 2008-07 are corrected as follows:

A. Section 1 of Ordinance No. 2008-07, as shown in Exhibits A and B, is corrected by deleting the words “in a residential” as shown:

E. Revocable Annual Vacation Rental Dwelling Permit.
   1. Permit required. Prior to engaging in the use of a vacation rental dwelling in a residential for any period of time, a person shall apply for a revocable permit for a vacation rental dwelling on forms provided by the city.

B. Section 3 of Ordinance No. 2008-07 is corrected to delete the reference to subsection (d) and replace it with a reference to subsection (e), to read as follows:

Section 3. Expiration of temporary provision (sunset). The provision added by Section 1 of this ordinance to LCMC §17.80.050 F(2)(e) shall expire as a matter of law on November 30, 2008, unless the City Council provides otherwise by taking action by October 30, 2008 to approve an amendment to this ordinance that has the effect of extending the provision.

Section 2. Amendments.

Ordinance No. 2008-07 and Lincoln City Municipal Code are hereby amended by this ordinance.

Section 3. Emergency declared.

The corrections of this ordinance are necessary to meet the safety and welfare of the city through effective and timely provisions of law. If Ordinance No. 2008-07 is not amended effective prior to October 30, 2008, a provision intended to remain law will by operation of law terminate through a sunset provision in Ordinance No. 2008-07. The amendments to Lincoln City Municipal Code Title 17 as approved in Ordinance No. 2008-07 established a temporary provision allowing additional time for applicants to apply for renewal permits during the transition to a revised administrative permit program. The one-time extension period for submitting renewal applications in paragraph F(2)(e) was intended to expire rather than the provisions in F(2)(d) which were intended to remain in effect. By becoming effective immediately, this ordinance will avoid further confusion due to scrivener’s errors.
Section 4. Effective date.
Based on the declaration of emergency as stated in Section 3 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 this 27th day of October, 2008.

LORI HOLLINGSWORTH, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER