



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 02/11/2015
Jurisdiction: City of Lincoln City
Local file no.: CPA/ZC 2014-02
DLCD file no.: 005-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/28/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Single-Family Res R-1-7.5	to Open Space OS	Acres: 35.4
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): portions of 06-11-26-00-00500 and 06-11-35-00-00400 and 403.

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

1 **WHEREAS**, The City Council held a duly-noticed public hearing on amendment of the
2 Comprehensive Plan Map and Zoning Map on December 22, 2014; and

3
4 **WHEREAS**, the proposed Comprehensive Plan Map and Zoning Map amendments
5 conform to and are consistent with the City's *Comprehensive Plan* Policies and Statewide
6 Planning Goals for the reasons set forth in Exhibit "A,"

7
8 **NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

9
10 **SECTION 1.** The Comprehensive Plan Map of Lincoln City is hereby amended to change
11 the Comprehensive Plan Map designation from Medium Density Residential (R-7.5) to
12 Open Space (OS) on the parcel depicted on the attached Exhibit "B".

13
14 **SECTION 2.** The Zoning Map of Lincoln City is hereby amended to change the zoning
15 designation from Single-family residential (R-1-7.5) to Open Space (OS) on the parcel
16 depicted on the attached Exhibit "B".

17
18 **SECTION 3. Findings Adopted.** The findings contained in the Whereas Clauses of this
19 ordinance, as well as the competent substantial evidence in the whole record of this
20 legislative proceeding as well as the findings set forth in Exhibit A, are incorporated into
21 this section by reference as if fully set forth herein, and are adopted in support of this
22 legislative action.

23
24 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this
25 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause
26 shall not affect the validity of the remaining sections, subsections, paragraphs and
27 clauses.

28
29 **SECTION 5. Savings.** Notwithstanding the amendment to this Title, the existing Title
30 remains valid and in full force and effect for purposes of all criminal, civil or
31 administrative code enforcement cases or applications filed or commenced during the
32 time said ordinances were operative. Nothing in this Ordinance affects the validity of
33 prosecutions commenced and continued under the laws in effect at the time the matters
34 were originally filed.

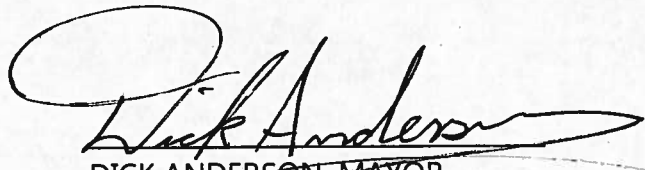
35
36 **SECTION 6. Effective Date.** This ordinance shall be in full force and effect 30 days
37 after its adoption.

38
39 **SECTION 7. Codification.** Provisions of this Ordinance shall be incorporated in the City
40 of Lincoln City Municipal Code and the word "ordinance" may be changed to "code",

1 "article", "section", "chapter" or another word, and the sections of this Ordinance may be
2 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate
3 provisions (i.e. Sections 3-7) need not be codified and the City Recorder is authorized to
4 correct any cross-references and any typographical errors.

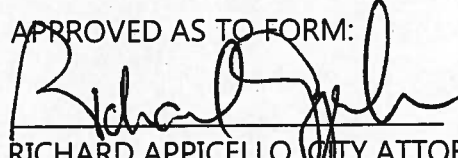
5
6 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
7 Section 9.2 of the City of Lincoln City Charter on the 22nd day of December, 2014 (First
8 Reading) and on the 22nd day of December, 2014 (Second Reading).

9
10 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22 day of
11 December 2014.

12 
13
14 DICK ANDERSON, MAYOR

15 ATTEST:

16 
17
18 CATHY STEERE, CITY RECORDER

19 APPROVED AS TO FORM:
20 
21
22 RICHARD APPICELLO, CITY ATTORNEY
23

24
25

1 EXHIBIT A

2 FINDINGS REGARDING CONSISTENCY WITH
3 THE LINCOLN CITY COMPREHENSIVE PLAN AND
4 THE STATEWIDE PLANNING GOALS
5

6 **A. Statewide Planning Goals.**

7
8 Pertinent sections of the Statewide Planning Goals include:
9

10 Goal 1. Citizen Involvement

11
12 Goal 1 is "To develop a citizen involvement program that insures the opportunity for
13 citizens to be involved in all phases of the planning process."
14

15 The City has developed a Citizen Involvement Program. In addition, the public hearing
16 process, with notice to the public and adjacent property owners and review of the
17 application by the Planning Commission (a citizen board) establishes conformance with
18 this goal.
19

20 Goal 2. Land Use Planning

21
22 Goal 2 is "To establish a land use planning process and policy framework as a basis for
23 all decisions and actions related to use of land and to assure an adequate factual base
24 for such decisions and actions.
25

26 The *Comprehensive Plan* and *Zoning Ordinance* provide the process and framework for
27 land use planning. The plan language relating to minor revisions to the *Comprehensive*
28 *Plan* and *Zoning Map* have been incorporated into Chapter 17.88 of the *Zoning*
29 *Ordinance*. Review of the application in accordance with Chapter 17.88 and the plan
30 amendment procedures outlined in the Plan establishes conformance with this goal.
31

32 Goal 5. Natural Resource, Scenic and Historic Areas, and Open Spaces

33
34 Goal 5 is "To protect natural resources and conserve scenic and historic areas and open
35 spaces."
36

37 The proposed comprehensive plan amendment and rezoning will set aside the Knoll for
38 open space purposes, which is directly in accordance with the goal. It will ensure

1 protection of the scenic and natural resources of this special place as a wildlife habitat, a
2 viewpoint, and a focal point.

3
4 Goal 8. Recreational Needs

5
6 Goal 8 is "To satisfy the recreational needs of the citizens of the state and visitors and
7 where appropriate to provide for the siting of necessary recreational facilities including
8 destination resorts."

9
10 The Knoll will serve the recreational needs of Lincoln City by providing opportunity for
11 hiking, biking, bird watching, picnicking, nature walks, and other passive recreation use.

12
13 Goal 9. Economic development.

14
15 Goal 9 is "To provide adequate opportunities throughout the state for a variety of
16 economic activities vital to the health, welfare, and prosperity of Oregon's citizens."
17 Lincoln City's economy is tourist-based. Visitors come to the central Oregon coast to
18 enjoy the natural environment, its fabulous views of the ocean and the beaches, and
19 many like to hike in our open spaces. Preserving the Knoll and other open spaces is
20 important to maintaining the city's popularity among tourists.

21
22 Goal 10. Housing

23
24 Goal 10 is "To provide for the housing needs of citizens of the state."

25
26 The proposed comprehensive plan amendment and zone change would result in the
27 conversion of 35.4 acres of residentially zoned land (mostly R-1-7.5) to Open Space (OS).
28 The 35.4 acres, if on flat ground served by city water and sewer, could supply
29 approximately 164 lots of minimum size; however, the preliminary master plan for the
30 Villages at Cascade Head proposed only 50 lots for the Knoll. The 2005 buildable lands
31 inventory showed Lincoln City had a supply of buildable residential lands adequate for
32 the 20-year planning horizon. Since then, the downturn in the economy has slowed
33 growth in housing construction and in population. As demonstrated earlier in this
34 application, the city has an abundance of vacant residential lots and residentially zoned
35 land that is adequate to serve the current rate of new home construction for 20 years. In
36 addition, the city has made recent amendments to the zoning code that allow for
37 greater density in residential areas. Amendments allow 1) density bonuses in the PUD
38 ordinance (for preservation of trees and steep slopes, provision of affordable housing,
39 energy conservation, etc.); 2) single family residences to add an accessory dwelling unit;
40 and 3) cottage clusters at higher than the underlying density.

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Goal 11 Public Facilities and Service

Goal 11 is "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 proposed open space is outside the area currently served through existing water and sewer infrastructure. Extending city utilities to serve the Knoll (at 600 foot elevation) would be prohibitively expensive.

B. Comprehensive Plan.

Pertinent sections of the *Comprehensive Plan* include:

Land Use 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 *Zoning Ordinance* provides the process and framework for land use planning. The language relating to amendments to the *Comprehensive Plan* have been incorporated into Chapter 17.88 of the *Zoning Ordinance*.

Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process"

In addition to the City's public hearing process for this request, the Parks Board, Open Space Committee, Planning Commission and City Council reviewed the 2001 Parks Master Plan that included the open space acquisition program and showed the Knoll as open space. The Parks Board will review this proposed rezoning at it November 19 meeting.

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."

1
2 The Knoll is outside the area currently served with city water and sewer infrastructure. It
3 would be extremely expensive to serve with city utilities.

4
5 Housing Goal

6
7 "To provide for the housing needs of all citizens."

8
9 As discussed earlier in this report, the rezoning of the Knoll from developable residential
10 land to park or open space will not impact the glut of vacant residential lots and
11 residentially zoned property currently on the market in Lincoln City.

12
13 Economy Goal

14
15 "To provide adequate opportunities throughout the state for a variety of economic
16 activities vital to the health, welfare, and prosperity of Oregon's citizens."

17
18 Lincoln City's economy is tourist-based. Visitors come to the central Oregon coast to
19 enjoy the natural environment, its fabulous views of the ocean and the beaches, and
20 many like to hike in our open spaces. Preserving the Knoll and other open spaces is
21 important to maintaining the city's popularity among tourists.

22
23 Aesthetic goal

24
25 "To develop a livable and pleasing city which enhances man's activities while protecting
26 the exceptional aesthetic quality of the area."

27
28 As a focal point for Lincoln City residents and north bound travelers on US 101, the Knoll
29 is an important place-making feature. For those who climb to the top, it also is a
30 fabulous point from which to view and photograph Lincoln City, Devils Lake, the coast
31 range of the Cascades, the ocean, and miles of beaches along the central Oregon coast.

32
33 Overall Environmental Goal

34
35 "To achieve a balance between the need to provide housing and services and the need
36 to protect and enhance the natural environment of the city."

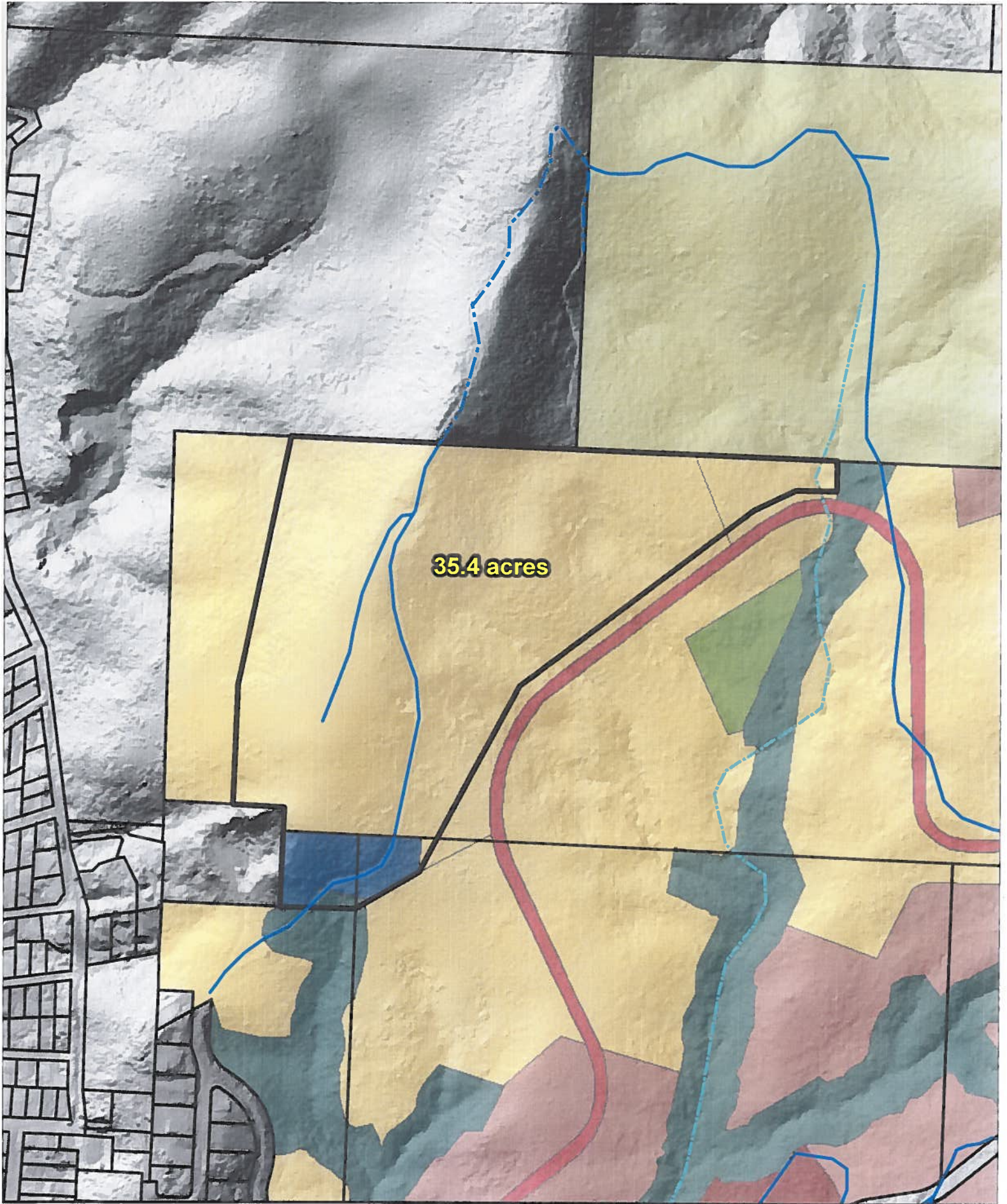
37
38 The community voted to raise \$3 million in taxes to purchase open space (including
39 steep hillsides, wildlife habitats) for the primary purpose of preserving it in its natural
40 state. The Knoll provides habitat to a number of species of wildlife, including the

1 endangered silver spot butterfly. Its steep slopes make the Knoll vulnerable to impacts
2 from the disturbance that would be necessary to develop single-family lots and
3 associated infrastructure. Other places within the city are more suitable for residential
4 development and less important environmentally.

5

6 In summary, the applicant believes that the proposed *Comprehensive Plan Map and*
7 *Zoning Map* amendments are consistent with the Statewide Planning Goals and
8 *Comprehensive Plan* and conform to all applicable provisions of the *Zoning Ordinance*.

9



35.4 acres



**The Knoll
Proposed Open Space Boundary**
November 2014



1 inch = 400 feet

**NOTICE OF ADOPTION BY THE
CITY COUNCIL –
COMPREHENSIVE PLAN AND ZONING
MAP AMENDMENT**

File CPA & ZC 2014-02 – Villages at Cascade Head (The Knoll)

On December 22, 2014, the City Council adopted Ordinance 2014-31, which amends the Lincoln City Comprehensive Plan Map and Zoning Map. The City of Lincoln City owns the 35.4 acres approved for re-zoning. The subject property is located generally north of the north end of NE Port Avenue, and is commonly known as “The Knoll”; it is further identified as portions of Lincoln County Assessor’s Map 06-11-26-00-00500, 06-11-35-00-00403, and 06-11-35-00-00400. The property’s previous plan and zoning designation was Single-Family Residential (R-1-7.5). The approved Ordinance 2014-31 changes these 35.4 acres to a plan and zoning designation of Open Space (OS).

The project file and Ordinance 2014-31 as approved may be reviewed at the Planning & Community Development Department at City Hall, 801 SW Highway 101, between 8:00 a.m. and 5:00 p.m., Monday through Friday. The adopted ordinance may also be viewed on the City’s website at www.lincolncity.org (search for “Recently Adopted Ordinances”). If additional information is necessary, contact Kate Daschel, Assistant Planner, at 541-996-1232.

Persons who participated orally or in writing in the proceedings before the City leading to the adoption of ordinances may appeal the City Council’s decision to adopt the ordinance to the Land Use Board of Appeals (LUBA), as provided in ORS 197.830 to 197.845, by filing a notice of intent to appeal with LUBA not later than 21 days after the mailing date of this notice. In any such appeal, the issues that may be considered are limited to those raised by any participant in the proceedings before the City.

Mailed by:

Kathrine A. Daschel, Assistant Planner

MAILED: December 30, 2014.