



Oregon

Theodore R. Kubongoski, 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

09/04/2012

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 001-12

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, September 19, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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  
Gordon Howard, DLCD Urban Planning Specialist  
Patrick Wingard, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

AUG 30 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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: **City of Lincoln City**

Local file number: **CPA/ZC 2012-01**

Date of Adoption: **8/13/2012**

Date Mailed: **8/29/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/13/2012

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 and Zoning Map amendments for several properties. Initiated by City primarily to correct mapping errors or to reflect established land uses.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Low Density/High Density Resid** to: **General Commercial**

Zone Map Changed from: **R-1-5 and R-M** to: **GC**

Location: **NW 33<sup>rd</sup>/Hwy. 101; SE Inlet @ 9<sup>th</sup>; NE Hwy.101 @ 6th**

Acres Involved: **1.56**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 001-12 (19380) [17150]

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

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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](mailto:rtown@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. 2012-05**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP AND ZONING MAP, AFFECTING SEVEN PRIVATELY-OWNED PROPERTIES; AND AMENDING ORDINANCE NO. 84-01 (AS AMENDED)**

**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 July 17, 2012 and recommended approval; and
- B. The Oregon Department of Land Conservation and Development was notified of the proposed amendment on June 13, 2012; and
- C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan Map and Zoning Map on July 23, 2012; 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 is hereby amended to change the Comprehensive Plan Map designation on the seven parcels listed in attached Exhibit "B" and depicted on the maps in attached Exhibit "C".

**Section 2.** The Zoning Map of Lincoln City is hereby amended to change the zoning designation on the seven parcels listed in attached Exhibit "B" and as depicted on the map in attached Exhibit "C".

**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).

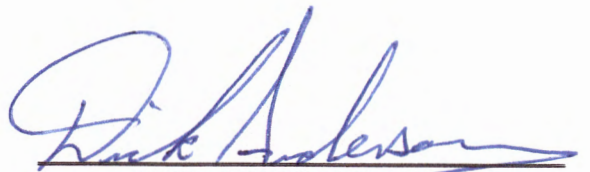
**Section 4.** To the extent possible, this ordinance shall be construed and interpreted in such a way as to give effect to all its provisions.

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

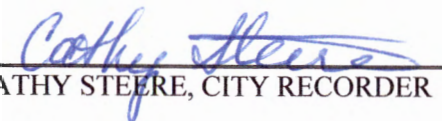
4 **Section 6.** This ordinance shall take effect thirty (30) days from the date of its adoption.

5 **Section 7.** Exhibits A, B, and C are attached hereto and incorporated by reference as if fully set forth  
6 in this ordinance.

7 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 13<sup>th</sup> day of August,  
8 2012.

9   
10 DICK ANDERSON, MAYOR

11 ATTEST:

12   
13 CATHY STEERE, CITY RECORDER

14 **Attachments:**

15 Exhibit A: Findings Related to Goals

16 Exhibit B: List of Subject Properties

17 Exhibit C: Map of Subject Properties

CPA/ZC 2012-01  
Ordinance No. 2012-05

EXHIBIT "A" – FINDINGS

**A. Statewide Planning Goals**

- (1) Goal 1: "Citizen Involvement" All documents relating to this proposal were made available for public review and purchase and assistance was available to interpret and explain the technical information. All affected property owners were sent notice regarding the public hearings on the proposed Comprehensive Plan Map and Zoning Map Amendments and hearing notices were published in the local paper as required. 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 measure, the Lincoln City Zoning Ordinance, were adopted by the City Council of Lincoln City after public hearing and has 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 ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" The area affected by the proposed Comprehensive Plan Map and Zoning Map amendments is located in the City's Urban Growth Boundary. The area currently is 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 area affected by the proposed Comprehensive Plan and Zoning Map amendments is located in the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected area does not consist of any designated forest lands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The area affected by the proposed Comprehensive Plan Map and Zoning Map amendments is located inside the City's Urban Growth Boundary. The area contains no sites designated as scenic, historic, or as significant natural resources. All the land is currently developed and has been for many years. Goal 5 is not applicable.
- (6) Goal 6: "Air, Water and Land Resources Quality" The proposed Comprehensive Plan Map and Zoning Map amendments and associated future land use patterns will not significantly increase the waste and process discharges being generated within the

vicinity, and such discharges will not violate federal or state requirements. City Code requires pretreatment and detention of storm water from new commercial uses before it is released from the site. New single-family residential uses also are required to detain storm water. Detained storm water must be released at the pre-development rate. Therefore, the amendments are consistent with Goal 6.

- (7) Goal 7: “Areas Subject to Natural Disasters and Hazards” The proposed area for rezoning does not contain identified natural hazards. Therefore, Goal 7 does not apply.
- (8) Goal 8: “Recreational Needs” The proposed Comprehensive Plan Map and Zoning Map amendments affect land that already is developed. It will not add any new demands for recreational resources, nor will it remove any recreational resources from the city’s current inventory. Therefore, Goal 8 does not apply.
- (9) Goal 9: “Economic Development” The city’s *Comprehensive Economic Opportunities and Buildable Land Needs Assessment* has demonstrated a shortage of vacant, commercially zoned property in the city and the UGB. The proposed Comprehensive Plan Map and Zoning Map amendments will not add a significant amount of commercial land to the current inventory, and none is vacant. However, the proposals will render the existing commercial uses on these lots conforming and will allow commercial redevelopment of lots zoned for other uses. The proposal is consistent with Goal 9.
- (10) Goal 10: “Housing” The proposed Comprehensive Plan Map and Zoning Map amendments will not reduce the amount of land that allows housing development, since with one exception, all the lots are presently developed with commercial uses. One lot, slightly smaller than 5,000 square feet and currently developed with a vacant dwelling, will be zoned GC, a zone that allows single-family development. GC zoning allows mixed use development, which could help with the supply of affordable housing. The amendments are consistent with Goal 10.
- (11) Goal 11: “Public Facilities and Services” City water and sewer treatment facilities have sufficient capacity to serve the proposed land uses, and in fact all of the lots presently are served by all city services. The facilities will not be affected adversely by these amendments, nor will their ability to serve surrounding properties. Therefore, the amendments are consistent with Goal 11.
- (12) Goal 12: “Transportation” The proposed rezoning will not result in a traffic level that is higher than what would be expected if the property were to be fully developed under its existing zoning, especially in areas designated for multi-family development. These amendments will not result in new connections to Highway 101. The amendments are consistent with Goal 12.
- (13) Goal 13: “Energy Conservation” The land use patterns and development allowed by the proposed Comprehensive Plan Map and Zoning Map amendments can accommodate development at higher densities than allowed by the zoning. Consequently, it may

postpone the need for expansion of the UGB. Therefore, the amendments are consistent with Goal 13.

- (14) Goal 14: “Urbanization” The proposed Comprehensive Plan and Zoning amendments relate only to land already within the city limits and zoned for urban development. Therefore, the amendments are consistent with Goal 14.
- (15) Goal 15: “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” The affected area of the proposed Comprehensive Plan Map and Zoning Map amendments is not within or adjacent to a designated Estuarine Resource. Therefore, Goal 16 is not applicable.
- (17) Goal 17: “Coastal Shorelands” The subject site is not located within a Coastal Shoreland. Therefore, Goal 17 is not applicable.
- (18) Goal 18: “Beaches & Dunes” The affected area of the proposed Comprehensive Plan Map and Zoning Map amendments is not located within a designated beach or active dune area. Therefore, Goal 18 is not applicable.
- (19) Goal 19: “Ocean Resources” The affected area of the proposed Comprehensive Plan Map and Zoning map amendments will not affect the nearshore 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 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 has 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 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, and together with 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), the city establishes conformance with this goal. For these proposed amendments, staff sent property owners an information letter and held an open house for them to discuss the suggested changes prior to the public hearings.

(3) Public Services and Utilities Goal

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

Public services are in the vicinity and treatment facilities are adequately sized to serve additional development that might occur. The proposed amendments will not adversely affect the availability or arrangement of public services. 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 only to land already within the city limits and zoned by the county for urban development; 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 subject sites contain no identified natural hazards. Therefore, the amendments are consistent with Goal 7.

(6) Housing Goal

*“To provide for the housing needs of all citizens.”* The proposed Comprehensive Plan Map and Zoning Map amendments will not reduce the amount of land that allows housing development, since with one exception, all the lots are presently developed with commercial uses. One lot, slightly smaller than 5,000 square feet and currently developed with a vacant dwelling, will be zoned GC, a zone that allows single-family development. GC zoning allows mixed use development, which could help with the supply of affordable housing. Therefore, 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 city’s *Comprehensive Economic Opportunities and Buildable Land Needs Assessment* has demonstrated a shortage of vacant, commercially zoned property in the city and the UGB. The proposed Comprehensive Plan Map and Zoning Map amendments will not add a significant amount of commercial land to the current inventory, and none is vacant. However, the proposals will render the existing commercial uses on these lots conforming and will allow commercial redevelopment of lots zoned for other uses. 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 proposed rezoning do not affect any area designated as significant aesthetic resources. 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 proposed rezoning will not result in a traffic level that is higher than what would be expected if the property were to develop fully under its existing zoning, especially in areas designated for multi-family development. These amendments will not result in new connections to the highway. Therefore, this goal is satisfied.

(10) Energy Goal

*“To conserve energy.”*

The land use patterns and development allowed by the proposed Comprehensive Plan Map and Zoning Map amendments can accommodate development at higher densities than allowed by the zoning. Consequently, it may postpone the need for expansion of the UGB. 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 has little impact on the natural environment, because all of the properties now are zoned for urban-style use and all are presently developed. 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 affected area of the proposed Comprehensive Plan Map and Zoning Map amendments is not located within or adjacent to coastal shorelands. Therefore, this goal is not applicable.

**PROPERTIES PROPOSED FOR RE-ZONING (initiated by City of Lincoln City) – Group #1**

<b>LOCATION</b>	<b>OWNER</b>	<b>MAP/TAX LOTS</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>AREA (sf)</b>	<b>COMMENTS</b>
NW 33 <sup>rd</sup> /Highway 101	Kimberling	07-11-03-DD-05701	R-1-5	GC	15,163*	Developed/commercial (auto repair)
NW 33 <sup>rd</sup> /Highway 101	Johal/Sidhu	07-11-03-DD-00102	R-1-5	GC	4,300**	Developed/commercial (U.S. Market)
SE 9 <sup>th</sup> and Inlet	Leighton	07-11-15-DA-03600	RM	GC	4,966	Developed/commercial (self-storage)
NE 6 <sup>th</sup> /Highway 101	SGWG Properties	07-11-15-AB, 400, 401	RM	GC	15,000	Parking lot/commercial (Mazatlan parking lot)
NE 6 <sup>th</sup> /Highway 101	Artists Association	07-11-15-AB-00500	RM	GC	20,000	Parking lot/commercial (art studio parking lot)
NE 6 <sup>th</sup> /Highway 101	Martin	07-11-15-AB-00700	RM	GC	9,914	Residence

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\*All of Kimberling parcel 5701 is zoned R-1-5; however, the commercial building crosses over to TL 100 (to east) which is zoned GC.

\*\*Johal/Sidhu parcel total area is 15,626 square feet, of which 4,300 is currently zoned R-1-5.



### VICINITY MAP

Kimberling/Johal/Sidhu  
NW 33rd & Oar Place  
07-11-03-DD, TL 102 & 5701



1 inch = 50 feet

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain





### VICINITY MAP

Mazatlan/ASA Parking Lot/Martin  
NE 6th @ Hwy 101



1 inch = 79 feet

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain





**VICINITY MAP**  
Leighton  
SE 9th and Inlet  
07-11-15-DA, TL 3600



1 inch = 64 feet

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain



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LAND CONSERVATION  
AND DEVELOPMENT

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