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 002-12

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 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

<paa> YA
Notice of Adoption

Jurisdiction: City of Lincoln City
Date of Adoption: 8/27/2012

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☑ Yes ☐ No Date: 7/3/2012

☐ Comprehensive Plan Text Amendment
☒ Land Use Regulation Amendment
☐ New Land Use Regulation

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

Miscellaneous “housekeeping” amendments to Title 17, Zoning. (1) adds uses with drive-in service facilities as a conditional use in the Recreational Commercial zone. (2) Adds duplexes as permitted uses in the Recreation Commercial and General Commercial zones. (3) establishes a definition for “church”. (4) Increases impervious surface width for residential driveways. (5) Reduces drive aisle width in parking lots.

Does the Adoption differ from proposal? Yes, Please explain below:

Definition of "church" was changed to instead define "place of worship". References to "church" throughout the zoning ordinance were also changed to "place of worship".

Plan Map Changed from: n/a to:
Zone Map Changed from: to:
Location:
Specify Density: Previous: n/a New: Acres Involved:

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

Local Contact: Richard Townsend  
Address: PO Box 50  
City: Lincoln City  
Phone: (541) 996-2153  
Fax Number: 541-996-1284  
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.

http://www.oregon.gov/LCD/forms.shtml  
Updated December 30, 2011
ORDINANCE NO. 2012-06

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING ORDINANCE NO. 84-2 (AS AMENDED) AND LINCOLN CITY MUNICIPAL CODE TITLE 17, ENACTING MISCELLANEOUS "HOUSEKEEPING" AMENDMENTS

The City Council finds:

A. The miscellaneous amendments to the Zoning Ordinance are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. The Planning Commission, on August 7, 2012 considered the miscellaneous amendments contained within this ordinance. The Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted.

D. The City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments.

E. The City Council held public hearings on August 13, 2012 during which the Council considered the proposed amendments transmitted by the Planning Commission.

F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. LCMC Section 17.28.040, which establishes a list of conditional uses in the Recreation-Commercial Zone, is hereby amended as follows:

17.28.040 Conditional uses permitted.

In an RC zone, the following are given as examples of those uses that meet the intent of this zone on a conditional basis, subject to the provisions of Chapter 17.60 LCMC:

A. A use listed as a permitted use in this zone, with drive-in service facilities;
B. Public use or public utility;
C. Utility substation;
D. Outdoor commercial amusement establishments;
E. Recreational vehicle parks;
F. Multifamily dwellings developed under the standards of the R-M zone;
G. Wireless communications facilities, subject to the provisions of LCMC 17.52.270;
H. Emergency shelters.
Section 2. LCMC Section 17.32.020, which establishes a list of permitted uses in the General Commercial Zone, is hereby amended as follows:

17.32.020 Uses permitted.
In a GC zone, the following are given as examples of those uses that meet the intent of this zone:
1. Convenience service/retail use;
2. Eating and drinking establishments, excluding drive-in restaurants;
3. Carpet, rug, fabric and interior decorating shops including reupholstering, making of draperies and other similar articles which are conducted as part of, and secondary to, a retail sales operation;
4. Sporting goods stores;
5. Motels and resorts;
6. Building supply stores;
7. Public facilities;
8. Garden supplies and nursery;
9. Community meeting buildings, fraternal or social organizations;
10. Automotive parts and accessories;
11. Printing;
12. Carpenter, plumbing, cabinet, upholstering and sheet metal shops, if conducted wholly within an enclosed building;
13. Appliance sales and service;
14. Single-family dwellings and duplexes, if developed under the standards in the R-1 zone;
15. Mini-warehouses, if existing on or if site plan approval was applied for before June 9, 2008. Mini-warehouses in existence on or applied for before June 9, 2008, may be expanded within the boundaries of the lot or lots they occupied as of that date, subject to the standards applicable as of the date of application for expansion;
16. Time-share units, when developed under the standards of LCMC 17.28.050;
17. Bed and breakfast accommodations;
18. Professional and business offices;
19. Art gallery and studio;
20. Physical therapy;
21. Equipment rental establishments;
22. Physical fitness center;
23. Manufactured homes when developed in accordance with the standards specified in LCMC 17.28.100 (C) and 17.52.250;
24. Veterinary clinics;
25. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080;
26. Mixed-use development.
27. Essential emergency communications and warning facilities.

Section 3. LCMC Section 17.32.040, which establishes a list of conditional uses in the General Commercial Zone, is hereby amended as follows:
17.32.040 Conditional uses permitted.

In a GC zone, the following are given as examples of those uses which meet the intent of this zone on a conditional basis, subject to the provisions of Chapter 17.60 LCMC:

A. A use listed in this zone with drive-in service facilities and including, but not limited to, drive-in restaurants, service stations, car washes and photo processing booths;
B. Churches;
C. Indoor commercial recreation establishments including theaters;
D. Passenger terminals;
E. Public utility;
F. Utility substation;
G. Outdoor commercial recreational establishments, such as swimming pool and miniature golf;
H. Automobile and trailer sales; provided, that any incidental repair activities shall be conducted and confined wholly within a building;
I. Light fabrication establishments entailing the assembly of electronic or precision equipment, the sewing of fabric or materials or similar activities;
J. Recreational vehicle parks;
K. Multifamily dwellings developed under the standards and provisions of the high density section of the R-M zone;
L. Motor vehicle repair facility;
M. Tire shops;
N. Kennels;
O. Aggregate sales and storage;
P. Manufactured dwelling sales and service;
Q. Mortuary;
R. Wireless communications facilities, subject to the provisions of LCMC 17.52.270;
S. Emergency shelters. (Ord. 2010-05 § 8; Ord. 2003-08 § 10; Ord. 97-11 § 3; Ord. 95-17 § 1;
Ord. 92-4 § 4; Ord. 91-31 § 1; Ord. 84-2 § 3.070(3). Formerly 17.32.030)

Section 4. LCMC Section 17.28.020, which establishes a list of allowed uses in the Recreation-Commercial Zone, is hereby amended as follows:

17.28.020 Uses permitted.

In an RC zone, the following are given as examples of those uses which meet the intent of this zone:

A. Motels and resorts;
B. Eating or drinking establishments;
C. Gift shops;
D. Convention centers;
E. Single-family dwellings and duplexes, if developed under the standards set forth for single-family dwellings within the R-1 zone;
F. Time-share units, when developed under the standards of LCMC 17.28.050;
G. Bed and breakfast accommodations;
H. Attached single-family dwellings, when developed in accordance with the standards specified in LCMC 17.52.260;
I. Manufactured homes when developed in accordance with the standards specified in LCMC 17.52.250;

J. Essential emergency communications and warning facilities.

K. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080.

L. Mixed-use development.

Section 5. LCMC Section 17.08.010 is amended by adding the following definition:

“Place of worship” means a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting religious services on a regular basis.

Section 6. LCMC 17.16.040.A relating to conditional uses permitted in the R-1 zone is amended by deleting the word “churches” and replacing it with the term “places of worship.”

Section 7. LCMC 17.20.040.B relating to conditional uses permitted in the R-M zone is amended by deleting the word “churches” and replacing it with the term “places of worship.”

Section 8. LCMC 17.32.040.B relating to conditional uses permitted in the GC zone is amended by deleting the word “churches” and replacing it with the term “places of worship.”

Section 9. The table of land use activities in the Taft Village Core zone in LCMC 17.45.040. is amended by deleting the word “churches” in item L.3 and replacing it with the term “places of worship.”

Section 10. LCMC 17.52.210.D.2 relating to planned unit developments is amended to read as follows:

2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the “preliminary gross residential area.”

Section 11. The table of the number of parking spaces required in LCMC 17.56.050 is amended by deleting the word “church” in item D.1 and replacing it with the term “place of worship.”

Section 12. LCMC Section 17.56.110, subsection D, subparagraph 3.a, relating to the maximum allowed width of impervious surface in driveways for single family dwellings and duplexes, is hereby amended as follows:


a. Single-Family Dwellings and Duplexes. Driveways/parking areas shall be limited to a 20-foot width of impervious surface. Additional driveway width, if any, shall consist of pervious surfaces, as listed in subsection (D)(1)(b) of this section.

Section 13. The parking layout chart in LCMC Section 17.56.110.K.1 is amended by reducing the drive aisle width in the 90-degree scenario from 24 feet to 20 feet.
Section 14. The City Council delegates to the City Recorder the authority to make any required corrections due to scrivener’s errors, including but not limited to cross-references, and to make such changes prior to codifying this ordinance.

Section 15. In the event that any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, such invalid provision shall be severed and the remaining provisions of the ordinance that have not been held invalid or unenforceable shall continue to be valid and enforceable to the fullest extent permitted by law.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of August, 2012.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER
Conformance with Statewide Land Use Planning Goals

(1) Goal 1: “Citizen Involvement” - All proposed documents were made available for public review and purchase and assistance was available to interpret and explain the technical information. Hearing notices were published in the local newspaper in accordance with notice requirements. 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, was adopted by the City Council of Lincoln City after public hearings and have 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” - Because the proposed amendments do not address agricultural lands in any way, and because there are no agricultural lands within the city, Goal 3 is not applicable.

(4) Goal 4: “Forest Lands” - Because the proposed amendments do not address forest lands in any way, and because there are no forest lands within the city, Goal 4 is not applicable.

(5) Goal 5: “Open Spaces, Scenic and Historic Areas and Natural Resources” - Because the proposed amendments do not address open spaces, scenic and historic areas, or natural resources in any way, and because the amendments do not by themselves authorize any development inconsistent with open space, scenic, significant natural resource, or historic designations, Goal 5 is not applicable.

(6) Goal 6: “Air, Water and Land Resources Quality” - Because with one exception the proposed amendments will not serve to increase the waste and process discharges already being generated within the city, Goal 6 is not applicable, other than with respect to allowing an increase in the width of impermeable surface in residential driveways. In that regard the allowed increase in impermeable area is minor and it is not likely to have a measurable impact on water quality from any increase in runoff. Moreover, any such increase is likely to be offset by the allowance of decreased drive aisle width in commercial parking lots. For these reasons, Goal 6 is satisfied.
Goal 7: "Areas Subject to Natural Disasters and Hazards" - Because the proposed amendments do not authorize any development inconsistent with the city's existing natural hazard standards, Goal 7 is not applicable.

Goal 8: "Recreational Needs" - Because the proposed amendments do not authorize any development inconsistent with the recreational needs of the community, region, or state, Goal 8 is not applicable.

Goal 9: "Economic Development" - Because the proposed amendments do not affect the availability of land suitable for industrial and commercial development, Goal 9 is not applicable.

Goal 10: "Housing" - Because the proposed amendments do not adversely affect the availability of housing, and because making duplexes outright permitted uses in some zones rather than the existing conditional uses in those zones, thereby possibly making housing more available in those zones Goal 10 is satisfied.

Goal 11: "Public Facilities and Services" - Because existing City water and sewer infrastructure and treatment facilities will not be affected by the amendments, nor will their ability to serve surrounding properties be affected, Goal 11 is not applicable.

Goal 12: "Transportation" - Because the proposed amendment does not affect the City's Transportation Master Plan, Goal 12 is not applicable.

Goal 13: "Energy Conservation" - Because the proposed amendments by themselves will have no effect on energy conservation, Goal 13 is not applicable.

Goal 14: "Urbanization" - Because the proposed will not affect the need to expand the Urban Grown Boundary, Goal 14 is not applicable.

Goal 15: "Willamette River Greenway" - The City is not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.

Goal 16: "Estuarine Resources" - Because the proposed amendments do not by themselves authorize any development affecting estuarine resources, Goal 16 is not applicable.

Goal 17: "Coastal Shorelands" - Because the proposed amendments do not by themselves authorize any development in the city's coastal shorelands, Goal 17 is not applicable.

Goal 18: "Beaches & Dunes" - Because the proposed amendments do not by themselves authorize any development in a beach or active dune area, Goal 18 is not applicable.

Goal 19: "Ocean Resources" - Because the proposed amendments do not by themselves authorize any development affecting ocean resources, Goal 19 is not applicable.
Conformance with the Lincoln City 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, was 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 these amendments 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 amendments 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."

Because existing City water and sewer infrastructure and treatment facilities will not be affected by the amendments, nor will their ability to serve surrounding properties be affected, this goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

Because the proposed will not affect the need to expand the Urban Grown Boundary, this goal is not applicable.
(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

Because the proposed amendments do not authorize any development inconsistent with the city’s existing natural hazard standards, this goal is not applicable.

(6) Housing Goal

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

Because the proposed amendments do not adversely affect the availability of housing, and because making duplexes outright permitted uses in some zones rather than the existing conditional uses in those zones, thereby possibly making housing more available in those zones, this goal is satisfied.

(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."

Because the proposed amendments do not affect the availability of land suitable for industrial and commercial development, this goal is not applicable.

(8) Aesthetic Goal

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

Because the proposed amendments do not by themselves authorize any development, this goal is not applicable.

(9) Transportation Goal

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

Because the proposed amendments do not by themselves authorize any development, this goal is not applicable.
(10) Energy Goal

"To conserve energy."

Because the proposed amendments do not by themselves authorize any development, this goal is not applicable.

(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."

Because with one exception the proposed amendments will not serve to increase the waste and process discharges already being generated within the city, this goal is not applicable, other than with respect to allowing an increase in the width of impermeable surface in residential driveways. In that regard the allowed increase in impermeable area is minor and it is not likely to have a measurable impact on water quality from any increase in runoff. Moreover, any such increase is likely to be offset by the allowance of decreased drive aisle width in commercial parking lots, this goal is not applicable.

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

"To conserve, protect, and enhance the coastal resources of the city."

Because the proposed amendments do not by themselves authorize any development, this goal is not applicable.
ATTN: Plan Amendment Specialist  
Dept. of Land Conservation/Develop.  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540