



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

10/01/2012

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 005-12

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: Monday, October 15, 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: Debra Martzahn, City of Lincoln City  
Gordon Howard, DLCD Urban Planning Specialist  
Patrick Wingard, DLCD Regional Representative

<paa> YA



PROF 2

DLCD

# Notice of Adoption

In person  electronic  mailed

**DEPT OF**

**SEP 25 2012**

**LAND CONSERVATION AND DEVELOPMENT**

DATE  
STAMP

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: **Lincoln City**

Local file number: **ZOA 2012-04**

Date of Adoption: **9/10/2012**

Date Mailed: **9/24/2012**

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

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".

Amendments to Chapter 17.47 – Natural Hazards, Beaches and Dunes - clarifying that the city would be responsible for the cost of a "peer review", if needed. Ordinance further amended to use the 1978 hazard data as advisory only, and adds exceptions from the ordinance for minor projects. These amendments also require changes to the comprehensive plan text (See CPA 2012-02).

Does the Adoption differ from proposal? Please select one

No substantive changes.

Plan Map Changed from: **n/a**

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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



005-12 (19407) [17189]

**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Debra Martzahn, Senior Planner**

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.

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**ORDINANCE NO. 2012-09**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY  
ADOPTING PROVISIONS RELATING TO DEVELOPMENT IN NATURAL  
HAZARD AREAS; AMENDING ORDINANCE NO. 84-02, AS AMENDED;  
AND AMENDING LINCOLN CITY MUNICIPAL CODE CHAPTER 17.47**

The City Council finds:

- A. The proposed amendments to the Zoning Ordinance Chapter 17.47 are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals, as addressed in attached Exhibit "A".
- B. The amendment process is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements. The City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments on July 3, 2012.
- C. The Planning Commission, on August 21, 2012, considered proposed amendments to this ordinance, and after a public hearing, unanimously voted to forward them to the City Council with a recommendation to adopt.
- E. The City Council held a public hearing on the proposed amendments on August 27, 2012, after which the City Council requested staff to prepare an ordinance for adoption.
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

**The City Council of Lincoln City ordains as follows:**

**Section 1.** Lincoln City Municipal Code Chapter 17.47, Natural Hazards, Beaches and Dunes is amended in part by replacing §17.47.020 and §17.47.030 with the following text:

**17.47.020 Development in identified hazard areas.**

A. Hazards Identified and Applicability of Standards. Specific natural hazard areas have been identified in Environmental Geology of Lincoln County, Oregon, Bulletin 81 (State of Oregon Department of Geology and Mineral Industries, 1973) and Environmental Hazard Inventory (RNKR Associates, 1978), and other sources. They are depicted on the comprehensive plan natural hazards map, as supplemented by Priest, G.R, and Allan, J.C., 2004<sup>1</sup>. For purposes of this chapter, in cases of conflict between a cited source and

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<sup>1</sup> Priest, G. R., and Allan, J. C., 2004, *Evaluation of coastal erosion hazard zones along dune and bluff backed shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County* (Oregon Department of Geology and Mineral Industries, Open-File Report O-04-09)

1 the map, as supplemented by the 2004 Priest and Allan report, the map, as so  
2 supplemented, will prevail.

3  
4 Natural hazard areas identified in Environmental Geology of Lincoln County, Oregon,  
5 Bulletin 81 (State of Oregon Department of Geology and Mineral Industries, 1973) and  
6 Environmental Hazard Inventory (RNKR Associates, 1978) are advisory only. The city  
7 does not require analysis or mitigation for property identified as being in these hazards  
8 areas, but recommends that developers seek professional advice.

9  
10 Development of property identified by Priest, G.R, and Allan, J.C., 2004 as subject to  
11 coastal erosion must meet the requirements of this chapter; however, the following  
12 activities are exempt:

- 13 1. Maintenance, repair, or alterations to existing structures that do not alter the  
14 building footprint or foundation;
- 15 2. New construction or maintenance, repair, or alterations to existing structures on a  
16 portion of the lot that lies outside the coastal erosion zones.
- 17 3. Exploratory excavations under the direction of a registered engineering geologist  
18 or geotechnical engineer;
- 19 4. Construction for which a building permit is not required;
- 20 5. Maintenance and reconstruction of public and private roads, streets, parking lots,  
21 driveways, and utility lines, provided the work does not extend outside the  
22 previously disturbed area;
- 23 6. Activities of emergency responders intended to reduce or eliminate an immediate  
24 danger to life or property.

25  
26 B. Required Geo-technical Analysis. Development of all types, except beach front  
27 protective structures and natural means of beach protection, in coastal erosion hazard  
28 areas identified by Priest, G.R, and Allan, J.C., 2004, may not occur until an engineering  
29 geologist, certified to practice in Oregon, completes a review of the project site. To the  
30 extent the engineering geologist deems necessary, the review shall incorporate analysis  
31 and recommendations of an Oregon-certified coastal engineer and of technical experts  
32 from other fields outside of engineering geology. The review shall be prepared at the  
33 applicant's expense. The geologist must submit (electronically) the review to the city as a  
34 written report that, if written or last updated more than a year prior to the first building  
35 inspection, must be updated to reflect current conditions. In reviewing the submitted  
36 geo-technical report, the city may consult with, among others, the Oregon Department of  
37 Geology and Mineral Industries, the Department of Land Conservation and Development,  
38 and a certified engineering geologist. The city assumes no responsibility for the quality or  
39 accuracy of a geo-technical report.

40  
41 Report Contents. Any geo-technical report must follow professional guidelines  
42 established by the Oregon State Board of Geologist Examiners, and include an  
43 explanation of the degree the hazard affects the property use in question, an explanation  
44 of the measures to be employed to minimize losses associated with the hazard, including,  
45 but not necessarily limited to, erosion control, vegetation removal, and slope



1 stabilization, and an explanation of the hazard-associated consequences the development  
2 and the loss-minimizing measures will have on the surrounding properties.

3  
4 For development activities of all types on a property in the coast erosion hazard zones,  
5 defined by Priest and Allan, 2004, except for beach front protective structures and natural  
6 means of ocean beach protection, the geo-technical report must include, but is not limited  
7 to, the following items:

8 1. Site Description

- 9 a. The history of the site and surrounding areas, such as previous riprap or dune  
10 grading permits, erosion events, exposed trees on the beach, or other relevant  
11 local knowledge of the site.
- 12 b. Topography, including elevations and slopes on the property.
- 13 c. Vegetation cover.
- 14 d. Subsurface materials – the nature of the rocks and soils.
- 15 e. Conditions of the seaward front of the property, particularly for sites having a  
16 sea cliff.
- 17 f. Presence of drift logs or other flotsam on or within the property.
- 18 g. Description of streams or other drainage that might influence erosion or locally  
19 reduce the level of the beach.
- 20 h. Proximity of nearby headlands that might block the long shore movement of  
21 beach sediments, thereby affecting the level of the beach in front of the  
22 property.
- 23 i. Description of any shore protection structures that may exist on the property or  
24 on nearby properties.
- 25 j. Presence of pathways or stairs from the property to the beach.
- 26 k. Existing human impacts on the site, particularly those that might alter the  
27 resistance to wave attack.

28 2. Description of the Fronting Beach

- 29 a. Average widths of the beach during the summer and winter.
- 30 b. Median grain size of beach sediment.
- 31 c. Average beach slopes during the summer and winter.
- 32 d. Elevations above mean sea level of the beach at the seaward edge of the  
33 property during summer and winter.
- 34 e. Presence of rip currents and rip embayment that can locally reduce the  
35 elevation of the fronting beach.
- 36 f. Presence of rock outcrops and sea stacks, both offshore and within the beach  
37 zone.
- 38 g. Information regarding the depth of beach sand down to bedrock at the seaward  
39 edge of the property.

40 3. Analyses of Erosion and Flooding Potential

- 41 a. Analysis of DOGAMI beach monitoring data available for the site.
- 42 b. Analysis of human activities affecting shoreline erosion.
- 43 c. Analysis of possible mass wasting, including weathering processes, land sliding  
44 or slumping.

- 1 d. Calculation of wave run-up beyond mean water elevation that might result in  
2 erosion of the sea cliff or fore dune (see Stockdon, 2006<sup>2</sup>).
- 3 e. Evaluation of frequency that erosion-inducing processes could occur,  
4 considering the most extreme potential conditions of unusually high water  
5 levels together with severe storm wave energy.
- 6 f. For dune-backed shoreline, use an appropriate fore-dune erosion (Komar et al.  
7 1999<sup>3</sup>) or time-dependent erosion model (e.g. Kriebel and Dean, 1993<sup>4</sup>) to  
8 assess the potential distance of property erosion, and compare the results with  
9 direct evidence obtained during site visit, aerial photo analysis, or analysis of  
10 DOGAMI beach monitoring data.
- 11 g. For bluff backed shorelines, use a combination of published reports, such as  
12 DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and  
13 field work, to assess the potential distance of property erosion.
- 14 h. Description of potential for sea level rise, estimated for local area by  
15 combining local tectonic subsidence or uplift with global rates of predicted sea  
16 level rise.
- 17 i. An estimation of the annual erosion rate at the site.
- 18 4. Assessment of Potential Reactions to Erosion Episodes
- 19 a. Determination of legal restrictions of shoreline protective structures (Goal 18  
20 prohibition, local conditional use requirements, priority for non-structural  
21 erosion control methods).
- 22 b. Assessment of potential reactions to erosion events, addressing the need for  
23 future erosion control measures, building relocation, or building foundation and  
24 utility repairs.
- 25 c. An annual erosion rate for the property.
- 26 5. Recommendations
- 27 a. Based on results from the above analyses, recommended setbacks, building  
28 techniques, or other mitigation to ensure an acceptable level of safety and  
29 compliance with all local requirements.
- 30 b. A plan for preservation of vegetation and existing grade within the setback  
31 area, if appropriate.
- 32 c. Consideration of a local variance process to reduce the building setback on the  
33 side of the property opposite the ocean, if this reduction helps to lessen the risk  
34 of erosion, bluff failure or other hazard.
- 35 d. Methods to control and direct water drainage away from the ocean (e.g. to an  
36 approved storm water system), or if not possible, to direct water in such a way  
37 so as to not cause erosion or visual impacts.
- 38
- 39 C. Compliance. Permitted development shall comply with the recommendations in any  
40 required geo-technical report and any report required by the building code.

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<sup>2</sup> Stockdon, H. F., Holman, R. A., Howd, P. A., and Sallenger, A. H., 2006, Empirical parameterization of setup, swash, and runup: Coastal Engineering, v. 53, no. 7, p. 573-588.

<sup>3</sup> Komar, P. D., McDougal, W. G., Marra, J. J., and Ruggiero, P., 1999, The rational analysis of setback distances: Applications to the Oregon coast: Shore & Beach, v. 67, p. 41-49.

<sup>4</sup> Kriebel, D. L., and Dean, R. G., 1993, Convolution method for time-dependent beach-profile response: Journal of Waterway, Port, Coastal and Ocean Engineering, v. 119, no. 2, p. 206-226.

1 At the time of footing inspection, or, if no footing inspection is required, at the time of  
2 the first building inspection, the author of the geo-technical report must certify that the  
3 development was constructed in accordance with the report's recommendations.

4  
5 D. Bluff Setback. No bluff setback is required for public infrastructure, beach front  
6 protective structures, or natural means of beach protection. The footprint of any other  
7 new structure or any horizontal addition requiring at least one footing in ocean bluff areas  
8 must be set back from the bluff a distance of at least 60 times the annual erosion rate  
9 (determined by the geo-technical analysis) plus five feet. The bluff, for this purpose, shall  
10 be determined by the city through inspection of aerial photos, the most recent LIDAR  
11 data, and the dividing line between the active and the high-risk erosion zones identified in  
12 the 2004 Priest maps referenced above. If the planning director cannot determine the  
13 location of a bluff, the geo-technical analysis, provided at the applicant's expense, shall  
14 determine an appropriate site for the structure, if one exists.

15  
16 If damaged, an existing structure that does not conform to the setback may be rebuilt in  
17 conformance with Chapter 17.64, Non-conforming Uses and Structures. Reconstruction  
18 shall comply with recommendations provided in a report from an engineering geologist, a  
19 registered engineer, or both, as determined necessary by the building official.

20  
21 E. Other policies that apply. If structures to protect shorelands, beaches and dunes, or  
22 flood areas are proposed, comprehensive plan "Shorelands, Beaches, Dunes, Estuaries,  
23 and Ocean Resources" Policies 7, 8, 9, 21 and 22 also apply.

24 **17.47.030 Development in ocean beaches and dune areas.** This section ensures  
25 compliance with Statewide Goal 18.

26 A. Use permitted/prohibited. Residential development and commercial and industrial  
27 buildings are prohibited on active fore-dunes, conditionally stable fore-dunes that are  
28 subject to ocean undercutting or wave overtopping, and deflation plains that are subject to  
29 ocean flooding.

30  
31 Other development that does not disturb the dune and dune vegetation significantly (e.g.  
32 fences that do not affect sand erosion or migration, a board walk) may be permitted in  
33 these areas, only if:

- 34 1. A geo-technical review, as described in Section 17.74.020.B above, is completed for  
35 development activities of all types, except beach front protective structures and natural  
36 means of ocean beach protection. The written geo-technical report for this purpose  
37 must include the following information, in addition to other stated requirements:
  - 38 a. The type of proposed use and the adverse effects it might have on the site and the  
39 surrounding area. As used in this subsection, "adverse effects" are those that create a  
40 hazard to life, public or private property, or the natural environment.
  - 41 b. The measures to be employed to protect the site and the surrounding area from  
42 adverse effects created by the use; and
  - 43 c. An explanation of the hazard-associated consequences the development and the  
44 loss-minimizing measures will have on the surrounding properties.



1 2. The geo-technical review concludes that the development as approved with any  
2 conditions and measures to be employed to minimize losses associated with ocean  
3 undercutting, wave overtopping, and ocean flooding, is not likely to be subject to  
4 significant losses associated with these hazards during the design life of the  
5 development, or is of nominal value; and  
6 3. The geo-technical review concludes that the development as approved with any  
7 conditions and measures to be employed to minimize losses associated with ocean  
8 undercutting, wave overtopping, and ocean flooding, will not have significant adverse  
9 consequences associated with these hazards on surrounding properties.

10  
11  
12 B. Limit on permitted development. Development, except for beach front protective  
13 structures and natural means of ocean beach protection, in ocean beach and dune areas  
14 will be permitted only if the development predictably can be designed, so that there will  
15 be no significant adverse impacts on the site and on adjacent properties from geologic  
16 hazards, wind erosion, and water erosion caused by ocean flooding, storm waves, or other  
17 causes, and is consistent with the requirements of Shoreland Policy 8.

18  
19 C. Grading and breaching of fore-dunes. Grading and breaching of fore-dunes is  
20 prohibited.

21  
22 D. Protective Structures. The city will rely on the State of Oregon Parks and Recreation  
23 Department (OPRD) to control the development of beach front protective structures and  
24 natural means of protection; however, the state will not issue a permit until the city has  
25 had an opportunity to determine that such protection complies with the applicable  
26 provisions of this chapter, including this subsection. Protective structures must be kept in  
27 good repair and are subject to additional compliance standards as well as enforcement  
28 under Chapter 8.10.

29  
30 E. Protection Project Permits. Shoreland (other than ocean beachfront) protection  
31 projects, such as groins, bulkheads and sea walls, may not begin until a permit is obtained  
32 from the city. No approval to the state or city permit for a shoreland protection project  
33 will be issued until the developer has supplied to the city a plan, prepared by a certified  
34 engineering geologist or by a registered professional engineer qualified to practice geo-  
35 technical engineering, which indicates the nature and scope of the proposed protective  
36 activity. Nonstructural means of protection that will be effective to control erosion must  
37 be the first order of consideration in protecting shorelands. The use of structures, such as  
38 groins, bulkheads or sea walls, will not be allowed unless nonstructural means cannot  
39 protect the property and the adverse consequences created by such structures, both  
40 erosion-related and aesthetic, will be insignificant.

41  
42 F. Vegetation. If vegetation is to be removed because of the development of any  
43 protection structure, a re-vegetation plan must be submitted. The plan must illustrate how  
44 vegetation removal will be minimized to prevent dune form alteration and exposure to  
45 erosion. The plan must provide for re-vegetation as extensive as or greater than exists  
46 prior to disruption. The protection structure will be approved by the state or permitted by

1 the city only if the vegetation removal and the re-vegetation will be conducted so as to  
2 prevent dune form alteration and exposure to erosion resulting from the removal and re-  
3 vegetation.  
4

5 G. Groundwater. No development in ocean beach and dune areas may use existing  
6 groundwater sources as a primary domestic water source. Developments may use existing  
7 groundwater sources for limited irrigation purposes, after securing all necessary state  
8 permits, and the submission to and approval by the city of written findings, prepared by a  
9 certified engineering geologist or by a registered professional engineer qualified to  
10 practice geo-technical engineering, that the irrigation will not cause groundwater draw  
11 down to levels which would lead to loss of stabilizing vegetation or intrusion of salt  
12 water into the groundwater supply.

13 **Section 2. Delegation of Authority to Correct Errors.** The City Council delegates to  
14 the City Recorder the authority to make any required corrections due to scrivener's  
15 errors, including but not limited to cross-references, and to make such changes prior to  
16 codifying this ordinance.

17 **Section 3. Severance.** In the event that any provision of this ordinance is determined by  
18 a court of competent jurisdiction to be invalid or unenforceable, such invalid provision  
19 shall be severed and the remaining provisions of the ordinance that have not been held  
20 invalid or unenforceable shall continue to be valid and enforceable to the fullest extent  
21 permitted by law.

22 **Section 4. Effective Date.** This ordinance takes effect thirty (30) days after the date of  
23 its adoption.

24 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City on this 10<sup>th</sup>  
25 day of September, 2012.

26  
27  
28  
29   
DICK ANDERSON, MAYOR

30 ATTEST:

31  
32   
33 CATHY STEERE, CITY RECORDER

**ORDINANCES 2012-08 AND 2012-09  
PROVISIONS RELATING TO DEVELOPMENT  
IN NATURAL HAZARD AREAS**

**EXHIBIT A**

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. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. 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.”

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 them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered amendment to Chapter 17.47 of the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Both the Comprehensive Plan goals and policies and the municipal code are being amended to ensure consistency with regards to these changes. The amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

“To preserve and maintain agricultural lands.”

The area affected by the proposed zoning ordinance amendments is located within the city’s urban growth boundary. The area currently is designated and zoned for urban development. No agricultural lands will be affected by the amendment. 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 zoning ordinance amendment 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 amendments allow exemptions for inconsequential activities in coastal erosion hazard areas; however, as revised the ordinances retain the new requirements from the previous natural hazards zoning ordinance amendment and reinforce them by adding them to the comprehensive plan policies. The amendments, consequently, help to preserve the bluff, which is an important natural, scenic, and historic resource, and which adjoins the significant open space of the beach. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

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

Although the amendments remove the requirement for geotechnical analysis based on hazards identified in the RNKR Associates, 1978 study, the ordinance continues to reference the study and recommends developers seek professional advice for properties near the indicated hazards. The amendments allow exceptions to the regulations for inconsequential development and remove the obligation for the developer to bear all costs in the review of required geotechnical reports. The amendments retain and make part of the comprehensive plan policies the requirements for bluff setback and geotechnical reports for properties subject to coastal erosion. They, therefore, are consistent with Goal 6.

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

“To protect people and property from natural hazards.”

Amendments update Chapter 17.47 to clarify regulations regarding how hazards are defined and which hazards require geo-technical reports for development. Although the amendments remove the requirement for geotechnical analysis based on hazards identified in the RNKR Associates, 1978 study, the ordinance continues to reference the study and recommends developers seek professional advice for properties near the indicated hazards. The amendments allow exceptions to the regulations for inconsequential development and remove the obligation for the developer to bear all costs in the review of required geotechnical reports. These amendments to the city’s regulation of natural hazards, beaches, and dunes retain the requirements for bluff setback and geotechnical reports for properties subject to coastal erosion, focusing regulations where needed. The comprehensive plan amendment incorporates changes from this and the previous zoning code amendment into the natural hazard policies. The amendments, therefore, are 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 bluff, beaches, and dunes provide unique active and passive recreation opportunities for Lincoln City residents and millions of tourists. The amendments continue regulation and protection of bluff, beaches, and dunes, therefore, are consistent with Goal 8.

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.”

Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important to the Lincoln City economy. The amendments allow exemptions from the ordinance for minor, inconsequential development and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments to update the comprehensive plan and strengthen Chapter 47, therefore, are consistent with Goal 9.

(10) Goal 10: Housing

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

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the amendments promote safe and sound housing. The amendments allow exemptions from the ordinance for minor, inconsequential improvements to housing and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments, therefore, 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.”

Regulations that protect people and property from natural hazards also protect public infrastructure. Public infrastructure (e.g. streets and utility lines) is exempt from the ordinance requirements to allow for repair and reconstruction of existing services, as necessary. The amendments, therefore, are consistent with Goal 11.

(12) Goal 12: Transportation

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

Regulations that protect people and property from natural hazards also protect public infrastructure. The amendments exempt maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area. The amendments, therefore, are consistent with Goal 12.

(13) Goal 13: Energy Conservation

“To conserve energy.”

The amendments have no direct impact on use or conservation of energy, or on the land use, to the extent that development is deemed appropriate and safe by site specific geo-technical analysis. The amendments, therefore, 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 amendments have no direct impact on the land use, except that they clarify and provide exemptions to requirements for development in hazard zones. The amendments, therefore, are 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 amendments clarify and update regulations on areas adjacent to a designated estuarine resource (i.e., Siletz Bay). The exemptions to ordinance requirements are for minor, inconsequential development. The amendments, therefore, are consistent with Goal 16.

(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.”

The city’s coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The shorelands include some areas prone to hazards. The amendment to the comprehensive plan more accurately delineates hazard areas, by referencing the 2004 Priest and Allan study and making the RNKR data advisory only. The amendment to the zoning ordinance ensures the regulations are based on the best data available and are reasonable and enforceable. The amendments strengthen the ordinance, and therefore, are consistent with Goal 17.

(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.”

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments retain the stringent Goal 18 restrictions for development of beaches and dunes, and clarify where they apply. The amendments are consistent with Goal 18.

(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 amendments strengthen regulations for hazard areas adjoining the ocean and, therefore, are consistent with Goal 19.

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 their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in 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 (comprised of elected citizen representatives,) establishes conformance with this goal.

(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 and utilities generally are in place already in the areas affected by this ordinance. The amendments exempt repair and reconstruction of streets and utilities from the regulations. The amendments are consistent with this goal.

(4) Urbanization Goal

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

The amendments do not affect land use, other than ensuring that development in areas of natural hazards complies with recommendations based on site specific geo-technical reports. 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 comprehensive plan amendment clarifies hazard areas based on best available data. The zoning ordinance amendment allows exemptions for inconsequential activities, ensuring that the ordinance is reasonable and enforceable. The amendments retain recent changes to the zoning ordinance that protect life and property by requiring site-specific geo-technical analysis and recommendations for development of properties in areas of natural hazards, and by restricting development in inappropriate areas (e.g., beaches and active dunes). The amendments are consistent with this goal.

(6) Housing Goal

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

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the zoning ordinance and comprehensive plan promote safe and sound housing. The amendments allow exemptions for minor, inconsequential improvements to housing and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments, therefore, are consistent with this 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.”



Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important for the Lincoln City economy. These amendments strengthen Chapter 47, and therefore, are consistent with this 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.”

Amendment to Chapter 17.47 exempts from geotechnical analysis maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and allows new construction or maintenance, repair, or alterations to existing structures on a portion of the lot that lies outside the coastal erosion zones. The amendments, consequently, ensure city regulations will not deter projects, inconsequential in terms of natural hazards, that maintain and improve appearance of the built environment on the bluff, which are important components of Lincoln City’s exceptional aesthetic quality. The amendments are consistent with this goal.

(9) Transportation Goal

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

Regulations that protect people and property from natural hazards also protect public infrastructure from damage. The zoning ordinance amendment exempts maintenance and reconstruction of public and private roads, streets, parking lots, driveways exempt from the regulations and, therefore, is consistent with this goal.

(10) Energy Goal

“To conserve energy.”

The amendments have no direct impact on use or conservation of energy, or on the use of land, to the extent that site-specific geo-technical analysis deems development in hazard areas appropriate and safe. The amendments, therefore, are consistent with this goal.

(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 amendment to the comprehensive plan ensures the city is using the best available data to regulate development in sensitive environmental areas that are vulnerable to natural hazards. The zoning ordinance amendment ensures the regulations are reasonable and enforceable. These amendments contribute to this goal.

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

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

The city’s coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The shorelands include some areas prone to hazards. The amendment to the comprehensive plan more accurately delineates hazard areas, by referencing the 2004 Priest and Allan study and making the RNKR data advisory only. The amendment to the zoning ordinance ensures the regulations are reasonable and enforceable. The amendments are consistent with this goal.



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LAND CONSERVATION  
AND DEVELOPMENT

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation/Develop.  
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Salem, OR 97301-2540