



# 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

10/15/2012

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 007-12

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: Friday, October 26, 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

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF  
OCT 09 2012  
LAND CONSERVATION  
AND DEVELOPMENT  
For Official 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 2012-07**

Date of Adoption: **9/24/2012**

Date Mailed: **10/5/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 8/2/2012

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".

Amends Section 17.88.065 of the Lincoln City Municipal Code to require Initial Notice to DLCD of 35 days (rather than the current 45 days) for consistency with state statute.

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

Adopted ordinance also includes provision to allow notice of a final decision to DLCD 20 days after adoption by city, for consistency with state statute.

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

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

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

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Local Contact: **Richard Townsend, Planning Director** 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. 2012-12**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING ORDINANCE NO. 84-2 (AS AMENDED) AND LINCOLN CITY MUNICIPAL CODE TITLE 17, ENACTING AMENDMENTS RELATING TO NOTICE OF LAND USE ACTIONS TO THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

The City Council finds:

- A. The 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 September 18, 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 a public hearing on September 24, 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 17.88.065 Notice s amended to read as follows:

**17.88.065 Notice.**

- A. Initial Notice to DLCD. At least 35 days before the first evidentiary hearing on a proposal to amend the comprehensive plan or this title, the department shall mail to the Director of the Oregon Department of Land Conservation and Development a notice that includes the text of the proposed amendment and any supplemental information that the department believes is necessary to inform DLCD of the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.
- B. Initial Notice to Others. Notice of a hearing on a proposal to amend the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.020.
- C. Notice to DLCD Following Adoption. Not later than 20 days after adoption by the city council of an ordinance amending the comprehensive plan or this title, the department shall mail a notice that includes a copy of the ordinance, accompanied by materials to comply with ORS 197.615(2), to the Director of DLCD.

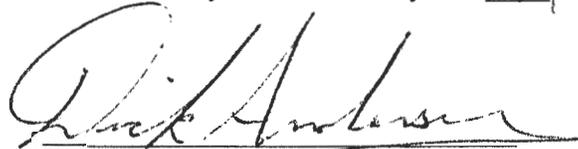
1 **Section 2.** Scrivener's Errors. The City Council delegates to the City Recorder the authority to  
2 make any required corrections due to scrivener's errors, including but not limited to cross-  
3 references, and to make such changes prior to codifying this ordinance.  
4

5 **Section 3.** Severability. In the event that any provision of this ordinance is determined by a  
6 court of competent jurisdiction to be invalid or unenforceable, such invalid provision shall be  
7 severed and the remaining provisions of the ordinance that have not been held invalid or  
8 unenforceable shall continue to be valid and enforceable to the fullest extent permitted by law.  
9

10 **Section 4.** Interpretation; Conflict of Laws. This ordinance shall be interpreted consistent with  
11 Lincoln City Charter and adopted ordinances. In the event any provision of this ordinance  
12 conflicts with any other provision of law, this ordinance shall be interpreted and applied in a  
13 manner than gives effect to its purpose and intent, and the more stringent provision shall prevail.  
14

15 **Section 5.** Effective Date. This ordinance takes effect 30 days after the date of its adoption.  
16

17 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 24~~th~~ day of  
18 September, 2012.

19  
20  
21  
22   
23 DICK ANDERSON, MAYOR

24 ATTEST:

25  
26  
27   
28 CATHY STEERE, CITY RECORDER

ORDINANCE 2012-12  
EXHIBIT A

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 by themselves allow any development in open spaces, scenic and historic areas and natural resource areas, Goal 5 is not applicable.
- (6) Goal 6: "Air, Water and Land Resources Quality" - Because the proposed amendments will not serve to increase the waste and process discharges already being generated within the city, Goal 6 is not applicable.
- (7) 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.
- (8) 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.

- 1 (9) Goal 9: "Economic Development" - Because the proposed amendments do not affect the  
2 availability of land suitable for industrial and commercial development, Goal 9 is not  
3 applicable.  
4
- 5 (10) Goal 10: "Housing" - Because the proposed amendments do not adversely affect the  
6 availability of housing, Goal 10 is not applicable.  
7
- 8 (11) Goal 11: "Public Facilities and Services" - Because existing City water and sewer  
9 infrastructure and treatment facilities will not be affected by the amendments, nor will  
10 their ability to serve surrounding properties be affected, Goal 11 is not applicable.  
11
- 12 (12) Goal 12: "Transportation" - Because the proposed amendment does not affect the City's  
13 *Transportation Master Plan*, Goal 12 is not applicable.  
14
- 15 (13) Goal 13: "Energy Conservation" - Because the proposed amendments by themselves will  
16 have no effect on energy conservation, Goal 13 is not applicable.  
17
- 18 (14) Goal 14: "Urbanization" - Because the proposed will not affect the need to expand the  
19 Urban Grown Boundary, Goal 14 is not applicable.  
20
- 21 (15) Goal 15: "Willamette River Greenway" - The City is not located within the Willamette  
22 River Greenway. Therefore, Goal 15 is not applicable.  
23
- 24 (16) Goal 16: "Estuarine Resources" - Because the proposed amendments do not by  
25 themselves authorize any development affecting estuarine resources, Goal 16 is not  
26 applicable.  
27
- 28 (17) Goal 17: "Coastal Shorelands" - Because the proposed amendments do not by themselves  
29 authorize any development in the city's coastal shorelands, Goal 17 is not applicable.  
30
- 31 (18) Goal 18: "Beaches & Dunes" - Because the proposed amendments do not by themselves  
32 authorize any development in a beach or active dune area, Goal 18 is not applicable.  
33
- 34 (19) Goal 19: "Ocean Resources" - Because the proposed amendments do not by themselves  
35 authorize any development affecting ocean resources, Goal 19 is not applicable.  
36

37 Conformance with the Lincoln City Comprehensive Plan goals:

38  
39 (1) Planning Goal

40  
41 *"To establish a land use planning process and policy framework as a basis for all*  
42 *decisions and actions related to use of land and to assure an adequate factual*  
43 *base for such decisions and actions."*  
44

45 The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City  
46 Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearing  
47 and has been reviewed on a periodic cycle to take into account changing public policies

1 and circumstances. Opportunities were provided for review and comment by citizens and  
2 affected governmental units during preparation, review, and revision of the plan and  
3 implementing ordinances. Review of these amendments in accordance with the Lincoln  
4 City Comprehensive Plan and the applicable zoning ordinance provisions, establishes  
5 conformance with this goal.

6  
7 (2) Citizen Involvement Goal

8  
9 *"Develop a Citizen Involvement Program which ensures the continued*  
10 *participation of citizens in the land use planning process."*

11  
12 The City has developed a Citizen Involvement Program. In addition, the public hearing  
13 process, with notice to the public and property owners and review of the amendments by  
14 the Planning Commission (a citizen board), and the City Council (a citizen board)  
15 establishes conformance with this goal.

16  
17 (3) Public Services and Utilities Goal

18  
19 *"To plan and develop a timely, orderly, and efficient arrangement of public*  
20 *facility and services which compliment the area and serve as a framework for*  
21 *urban and rural development."*

22  
23 Because existing City water and sewer infrastructure and treatment facilities will not be  
24 affected by the amendments, nor will their ability to serve surrounding properties be  
25 affected, this goal is not applicable.

26  
27 (4) Urbanization Goal

28  
29 *"To promote an orderly and efficient transition of land uses from rural to urban."*

30  
31 Because the proposed will not affect the need to expand the Urban Growth Boundary,  
32 this goal is not applicable.

33  
34 (5) Natural Hazard Goal

35  
36 *"The City shall control development in hazardous areas to protect life and property from*  
37 *natural disasters and hazards."*

38  
39 Because the proposed amendments do not authorize any development inconsistent with  
40 the city's existing natural hazard standards, this goal is not applicable.

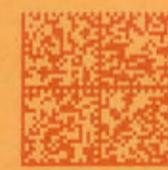
41  
42 (6) Housing Goal

43  
44 *"To provide for the housing needs of all citizens."*

45  
46 Because the proposed amendments do not adversely affect the availability of housing,  
47 this goal is not applicable.

- 1 (7) Economy Goal  
2  
3 *"To support the tourist industry and achieve a degree of diversity in the*  
4 *community which will allow a balanced economy that will, in turn, support an*  
5 *adequate level of services for all members of the area."*  
6  
7 Because the proposed amendments do not affect the availability of land suitable for  
8 industrial and commercial development, this goal is not applicable.  
9
- 10 (8) Aesthetic Goal  
11  
12 *"To develop a livable and pleasing city which enhances man's activities while*  
13 *protecting the exceptional aesthetic quality of the area."*  
14  
15 Because the proposed amendments do not by themselves authorize any development this  
16 goal is not applicable.  
17
- 18 (9) Transportation Goal  
19  
20 *"To provide a safe, convenient and rapid transportation network to facilitate the*  
21 *movement of goods and people."*  
22  
23 Because the proposed amendments do not by themselves authorize any development, this  
24 goal is not applicable.  
25
- 26 (10) Energy Goal  
27  
28 *"To conserve energy."*  
29  
30 Because the proposed amendments do not by themselves authorize any development, this  
31 goal is not applicable.  
32
- 33 (11) Overall Environmental Goal  
34  
35 *"To achieve a balance between the need to provide housing and services and the*  
36 *need to protect and enhance the natural environment of the city."*  
37  
38 Because the proposed amendments will not serve to increase the waste and process  
39 discharges already being generated within the city, this goal is not applicable.  
40
- 41 (12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal  
42  
43 *"To conserve, protect, and enhance the coastal resources of the city."*  
44 Because the proposed amendments do not by themselves authorize any development, this  
45 goal is not applicable.

PLANNING & COMMUNITY DEVELOPMENT  
OF LINCOLN CITY  
PO BOX 50  
LINCOLN CITY, OR 97367



U.S. POSTAGE >>> PITNEY BOWES  
ZIP 97367 \$ 001.50<sup>0</sup>  
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DEPT OF  
OCT 09 2012  
LAND CONSERVATION  
AND DEVELOPMENT

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation/Develop.  
635 Capitol Street NE, Suite 150  
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