



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/27/2014

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 002-13

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: Thursday, June 12, 2014

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

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

FOR DLCD USE	02-13
File No.:	(20106)
	[17880]
Received:	5/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Lincoln City

Local file no.: **ZOA 2013-02**

Date of adoption: 04/28/2014

Date sent: 5/22/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/27/2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes, final ordinance does not include residential driveways.

Local contact (name and title): Debra Martzahn, Senior Planner

Phone: 541-996-1228

E-mail: dmartzahn@lincolncity.org

Street address: 801 SW Highway 101

City: Lincoln City

Zip: 97367-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Title 17, Zoning, Chapter 17.52 (Supplementary Regulations and Exceptions), Section 17.52.060 (Clear Vision Requirement) and 17.52.070 (Measurement of Clear-Vision Areas)

For a change to a zoning map:

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

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None.

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

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ORDINANCE NO. 2014-05

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AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.060 (CLEAR-VISION REQUIREMENT) AND SECTION 17.52.070 (MEASUREMENT OF CLEAR-VISION AREAS); CLARIFYING CLEAR VISION TRIANGLE DEFINITIONS, ADDING EXEMPTIONS, AND CORRECTING CROSS-REFERENCES

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*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.*

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The City Council finds:

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- A. The proposed amendments are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals, as addressed in the Detailed Findings attached as 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 Planning Commission / City Council initiated the proposed amendments on March 25, 2013.
 - C. The City duly notified the Oregon Department of Land Conservation and Development, pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on November 27, 2013; notice of the proposed amendments were included in an ORS 227.186(4) notice to all affected property owners.
 - D. On January 7, 2014, the Planning Commission considered the amendments proposed in this ordinance, and after a public hearing, voted to forward them to the City Council with a recommendation to adopt the proposed amendment(s), with changes.
 - E. The City Council held a public hearing on the proposed amendment(s) on February 24, 2014; the record was closed on March 5, 2014 and the Council deliberated on the proposed amendments on March 10, 2014; after deliberation Council requested staff prepare an ordinance.
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1 F. All persons were given an opportunity to provide written and/or oral
2 testimony on the proposed ordinance amendments.

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

5 **SECTION 1.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52
6 (*Supplemental Regulations and Exceptions*), Section 17.52.060 (*Clear-Vision*
7 *Requirement*) and Section 17.52.070 (*Measurement of Clear-Vision Areas*) are
8 hereby amended to read as follows:

9
10 ~~**17.52.060 Clear-vision area requirement.**~~

11 ~~**A clear-vision area shall be maintained on the corners of all property**~~
12 ~~**adjacent to the intersection of two streets. A clear-vision area shall**~~
13 ~~**contain no planting, fence or other temporary or permanent**~~
14 ~~**obstruction exceeding two and one-half feet in height, measured**~~
15 ~~**from the top of the curb or, where no curb exists, from the**~~
16 ~~**established centerline grade of the street, except that trees exceeding**~~
17 ~~**two and one-half feet may be permitted if all branches and foliage to**~~
18 ~~**a height of eight feet above the top of the curb are removed.**~~

19
20 ~~**17.52.070 Measurement of clear-vision areas.**~~

21 ~~**A clear-vision area shall consist of a triangular area two sides of which**~~
22 ~~**are street lines and the third side of which is a line across the corner**~~
23 ~~**of the lot connecting the ends of the other two sides. The size of a**~~
24 ~~**clear-vision area is determined by the distance from the intersection**~~
25 ~~**of the two street lines to the third side, measured along the street.**~~
26 ~~**The size shall be as follows:**~~

27 ~~**A. In a residential zone, the distance determining the size of a clear-**~~
28 ~~**vision area shall be 30 feet.**~~

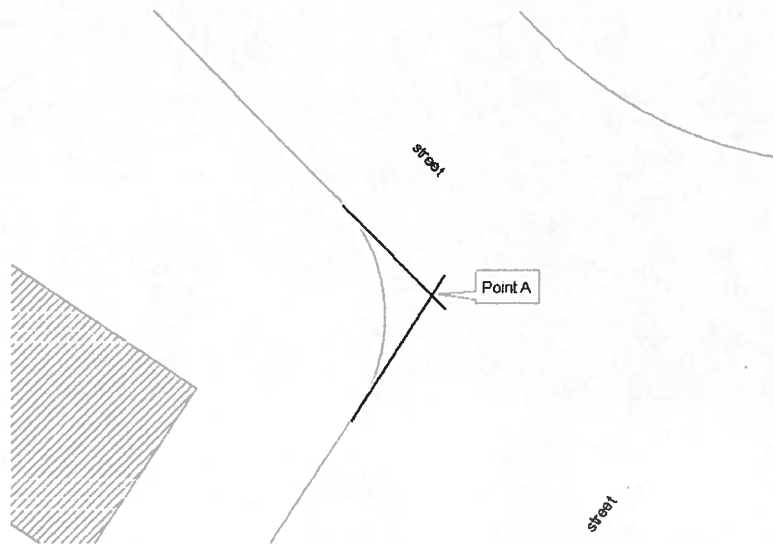
29 ~~**B. In all other zones, the distance determining the size of a clear-**~~
30 ~~**vision area shall be 15 feet, except that when the angle of**~~
31 ~~**intersections between streets is less than 30 degrees, the city may**~~
32 ~~**require a greater distance.**~~

33 ~~**17.52.060 Clear-vision area requirement.**~~

34
35 ~~**1. Requirement to Provide Clear-Vision. For public safety**~~
36 ~~**purposes, all properties shall have triangular clear-vision areas (a/k/a**~~
37 ~~**clear vision triangle) where streets (public or private) intersect with**~~

1 other streets, commercial alleys and commercial driveways. Clear
2 vision triangles shall also be provided for street intersections with
3 commercial driveways as provided herein. Clear vision areas at local
4 intersections shall meet the requirements in this section, which are
5 meant to be adequate to allow drivers and pedestrians who are
6 stopped or approaching with caution to see intersecting traffic in
7 time to avoid collisions. Clear vision areas at intersections with
8 Highway 101 must meet with Oregon Department of Transportation
9 approval and comply with the requirements of this section.

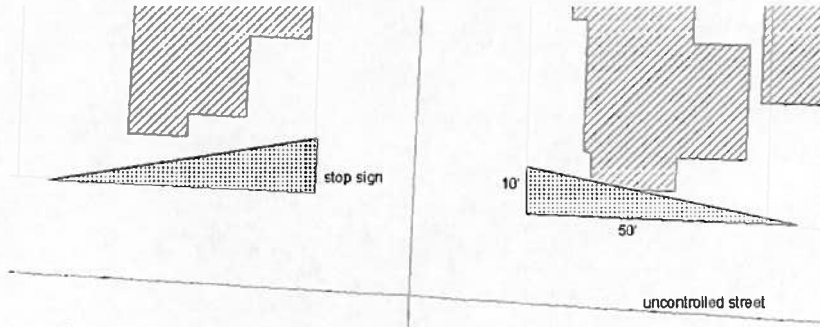
10
11 **2. Definition of a clear vision triangle. This section defines a clear**
12 **vision triangle differently for a) controlled intersections, where at**
13 **least one street has a stop sign or traffic control light; b) for**
14 **uncontrolled intersections; and c) in commercial zones, for alleys and**
15 **driveways. The definitions for clear vision triangles at the**
16 **intersections of two streets use "Point A," which is the point of**
17 **intersection of the lot lines (the property corner), or in the case of a**
18 **curved lot line, the intersection of the tangents of the endpoints of**
19 **the curve (Figure 1).**
20
21



22
23 Figure 1 Point A for a curved lot line

24 **a. For intersections controlled by a stop sign or traffic**
25 **light and for "T" intersections - two sides of the**
26 **triangle are aligned with the property lines of the**
27 **corner lot. The side of a triangle that abuts a**
28 **controlled street or a street that does not continue on**

1 the other side of the intersection (ending in a T
2 intersection) shall extend along the right-of-way of
3 the controlled street 10 feet from point A. The side of
4 the triangle abutting an uncontrolled street shall
5 extend 50 feet from point A. The third side shall
6 connect the endpoints of the other two sides. (Figure
7 2).



10
11 Figure 2 Clear vision triangle at controlled intersection

12 **b. For uncontrolled intersections. A corner lot that abuts**
13 **two uncontrolled streets shall have a triangle for each**
14 **abutting street, defined by the following sides: a side**
15 **extending along the right-of-way of one street 10**
16 **feet from point A; a side extending along the right-**
17 **of-way of the intersecting street 50 feet from point A;**
18 **and a side connecting the endpoints of the other two**
19 **sides. (Figure 3)**

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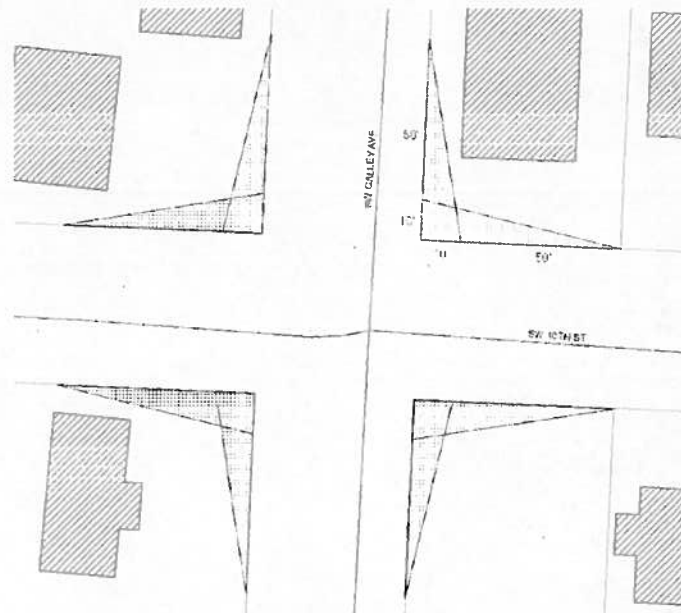


Figure 3 Clear vision triangles at uncontrolled intersection

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c. Alleys and Driveways in Commercial Zones. Property owners shall maintain a clear vision triangle on each side of a commercial driveway. One side of the triangle shall be along the edge of the commercial driveway extending 10 feet from the point of intersection with the right-of-way line. A second side along the right-of-way line shall extend from the point of intersection with the edge of the commercial driveway 50 feet. The third side shall connect the endpoints of the other two sides. (Figure 4)

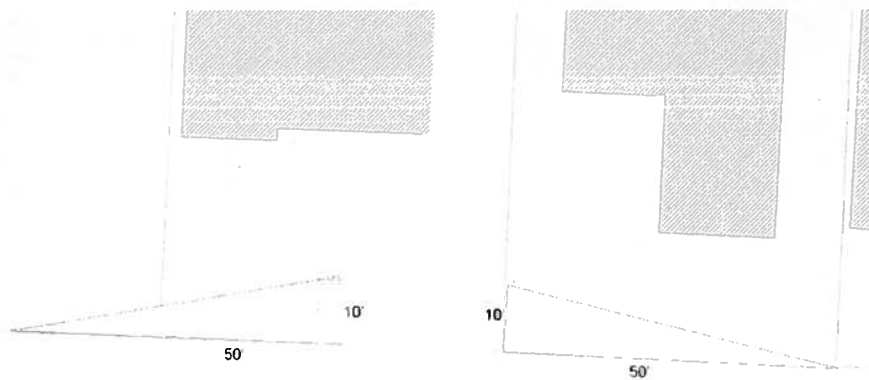


Figure 4 Clear vision triangles for commercial driveways

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1 d. Notwithstanding the definitions set forth above, the
2 minimum clear vision area (clear vision triangle) may
3 be modified by the City Engineer, with the
4 concurrence of the Planning Director, upon written
5 finding that more or less sight distance is necessary
6 (i.e., due to traffic speeds or roadway alignment).
7

8 3. Clear vision requirements. Clear-vision triangles shall be free of
9 obstructions (including but not limited to plantings, fencing, or other
10 temporary or permanent obstruction) from 2.5 feet to 8 feet above
11 the grade of the street, except for obstructions specified in paragraph
12 4.

13 4. Exceptions. The following obstructions to clear vision may be
14 within the clear vision areas required by this Section, unless the
15 obstruction is identified by the City Engineer and Planning Director as
16 creating an unacceptable hazard:

- 17 a. Trees existing in the location prior to the date of this
18 ordinance, if limbed to at least eight feet. Trees in the
19 clear vision area may not be replaced.
20 b. Topographical features (e.g., inclines, retaining walls)
21 existing as of [the date of this ordinance] or, for newer
22 development, as determined by the city engineer and
23 planning director as necessary or unavoidable.
24 c. Principal buildings, accessory buildings, and structures
25 existing as of April 24, 2014; Notwithstanding the above, a
26 legally nonconforming principal building is not subject to
27 removal based on the hazard exception.
28 d. Fences existing as of [the date of this ordinance]. New
29 fences that are at least 75% open (e.g., wire or chain link)
30 may be within clear vision triangles.
31 e. Existing driveways and existing required parking spaces
32 may be in the clear vision area. New required parking
33 spaces shall be outside the clear vision triangle. New
34 driveways should be outside the clear vision areas. New
35 garages to be accessed by driveways that cross over clear
36 vision areas must be set back at least 20 feet from the
37 clear vision area.

1 **f. Utilities existing as of [the date of this ordinance].**

2 **g. Public traffic signs.**

3
4 **SECTION 2.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.74
5 (*Commercial Design Standards*), Section 17.74. 010 (*Purpose and Intent*),
6 Paragraph B.1., is hereby amended to read as follows:
7

8 B. In furtherance of this purpose, the city considers the following design
9 features to be desirable elements of commercial development, and the
10 standards set forth in this chapter are intended to facilitate incorporation
11 of these features into all commercial development projects:
12

13 1. Access driveways **consistent with LCMC 17.52.160** that
14 provide for safe access and egress with clear visibility of
15 entrances and retail signage.
16

17 **SECTION 3.** Lincoln City Municipal Code, Title 12 (*Streets Sidewalks and Public*
18 *Places*), Chapter 12.28 (*Vehicular Access and Circulation*), Section 12.28.200,
19 (*Vehicular Access and Circulation*), Paragraph O (Clear Vision Areas), is hereby
20 amended to read as follows:
21

22 O. Clear Vision Areas. No visual obstruction (e.g., sign, structure, solid
23 fence, or shrub vegetation) may be placed in a clear vision area except in
24 accordance with LCMC 17.52.060 **and 17.52.070**. The minimum clear
25 vision area may be modified by the city engineer **with the concurrence of**
26 **the planning director** upon finding that more or less sight distance is
27 required (i.e., due to traffic speeds, roadway alignment, etc.). ODOT shall
28 establish clear vision requirements for Highway 101, but if the city's clear
29 vision requirements are more restrictive the city's requirements shall
30 prevail.
31

32 **SECTION 4. Findings Adopted.**

33
34 The findings contained in the Whereas Clauses of this ordinance, together with
35 the Findings set forth in Exhibit A, as well as the competent substantial evidence
36 in the whole record of this legislative proceeding are incorporated into this
37 section by reference as if fully set forth herein, and are adopted in support of this
38 legislative action.
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1 **SECTION 5. Severability.**

2
3 The sections, subsections, paragraphs and clauses of this ordinance are severable.
4 The invalidity of one section, subsection, paragraph, or clause shall not affect the
5 validity of the remaining sections, subsections, paragraphs and clauses.
6

7 **SECTION 6. Savings.**

8
9 Notwithstanding the amendment to this Title, the existing Title remains valid and
10 in full force and effect for purposes of all criminal, civil or administrative code
11 enforcement cases or land use actions or applications filed or commenced during
12 the time said ordinances were operative. Nothing in this Ordinance affects the
13 validity of prosecutions commenced and continued under the laws in effect at the
14 time the matters were originally filed.
15

16 **SECTION 7. Ordinance Effective Date.**

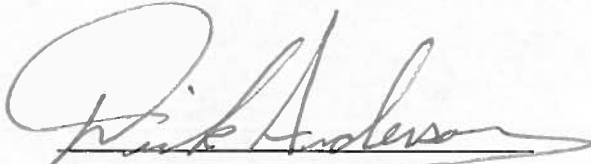
17
18 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the
19 date of its adoption.
20

21 **SECTION 8. Codification.**

22
23 Provisions of this Ordinance shall be incorporated in the City of Lincoln City
24 Municipal Code and the word "ordinance" may be changed to "code", "article",
25 "section", "chapter" or another word, and the sections of this Ordinance may be
26 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate
27 provisions (i.e. Sections 2-8) need not be codified and the City Recorder is
28 authorized to correct any cross-references and any typographical errors.
29

30 The foregoing ordinance was distinctly read by title only in accordance with
31 Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 14th day of April
32 2014 (First Reading) and on the 28th day of April 2014 (Second Reading).
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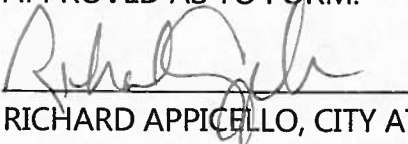
1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this
2 28th day of April, 2014.

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7 DICK ANDERSON, MAYOR

8 ATTEST:

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10 CATHY STEERE, CITY RECORDER

11 APPROVED AS TO FORM:

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13 
14 RICHARD APPICELLO, CITY ATTORNEY
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**ORDINANCE 2014-05
PROVISIONS RELATING TO CLEAR VISION REGULATIONS**

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 Sections 17.52.060 and 17.52.070 of the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. 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. The amendment does not affect agricultural lands. 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 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 from the clear vision requirements that include, in some circumstances, topographical features and previously constructed retaining walls. The amendments, consequently, help to preserve natural, scenic, and historic resources that are part of the city’s character. 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.”

The amendments will not affect the quality of the air or water. They may avoid destruction or reduce impact on some natural features in or near street intersections. Therefore, the amendments are consistent with Goal 6.

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

“To protect people and property from natural hazards.”

The amendments do not relate to natural hazards and have no impact on them. Therefore, Goal 7 is not applicable.

(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 amendments reduce the intrusion into properties at intersections by specifying a shallower, longer clear vision triangle and by allowing for exceptions to the clear vision rules. The result could be less restrictive on development of recreational properties; therefore, the amendments 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.”

The amendments reduce the intrusion into properties at intersections by specifying a shallower, longer clear vision triangle and by allowing for exceptions to the clear vision rules. The result could be less restrictive on development; therefore, they are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments facilitate the development of new housing by revising the area of regulated private property at street intersections. The amendments allow exceptions and some flexibility in applying the restrictions within the clear vision areas. 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.”

The revised clear vision triangle provides longer site distance with less impact on private and public properties. The amendments, therefore, are consistent with Goal 11.

(12) Goal 12: Transportation

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

The revised clear vision triangle improves safety at intersections by allowing longer sight distance of approaching cross traffic. 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, except that it allows better utilization of corner properties. 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 allow for fuller use of corner lots by reducing the depth of the clear vision triangles. 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.”

State and local rules discourage or prohibit development in areas with estuarine resources. Consequently, clear vision setbacks have little or no application in these areas. The amendments do not affect estuarine resources and associated wetlands, and 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 amendments to the clear vision regulations, because they reduce the depth of the regulated area, are less likely to push development away from the street and towards sensitive environmental areas and less likely to conflict with protection of shorelands.

(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.”

The comprehensive plan and statewide goals restrict development on beaches and dunes. To the extent that development can occur, reduction in the depth of the clear vision setback per the amendments will be less likely to push construction back from an adjoining street towards the beach or dune. 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 do not impact marine resources and ecological functions, so 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 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.”

The ordinance makes the city’s streets safer by extending a driver’s sight distance of approaching cross traffic at intersections. The amendments exempt utilities existing as the date of the ordinance, unless the city engineer and planning director deem them to be creating an unacceptable hazard. 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 reduce the depth of the clear vision area at residential intersections, thus allow buildings closer to the street. This uses land efficiently and is characteristic of urban development. 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.”

Because the clear vision regulations reduce the depth of the restricted area, they allow more flexibility in placing structures on lots away from natural hazards, such as coastal erosion. The amendments are consistent with this goal.

(6) Housing Goal

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

Because the clear vision regulations reduce the depth of the restricted area, they allow more flexibility in placing structures on corner lots. 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.”

The amendments provide more flexibility in placing businesses and dwellings (including those that are tourist-oriented) on lots at intersections. These amendments, 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.”

Reducing the depth of the clear vision triangle at intersections and allowing certain exceptions to the clear vision limitations allow for preservation of topography and retaining walls, and preservation and installation of landscaping that contribute to the aesthetic character of the city. 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.”

The amendments increase safety at intersections by extending the driver’s sight distance of approaching cross traffic. The effectiveness of the clear vision ordinance, however, depends on drivers stopping or approaching intersections with caution. The amendments are consistent with this goal.

(10) Energy Goal

“To conserve energy.”

These amendments have no obvious impact on energy; therefore, 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.”

The amendments are more environmentally friendly than the existing ordinance, because they allow exceptions for topography that does not pose unacceptable hazard. 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. The amendments to the clear vision regulations, because they reduce the depth of the regulated area, are less likely to push development away from the street and towards sensitive environmental areas and less likely to conflict with protection of shorelands. The amendments are consistent with this goal.