



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

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 003-13

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: Richard Townsend, City of Lincoln City
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE 003-13
(20107)
File No.: [17881]
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 2013-03**

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 includes design standards, prohibits use of ADUs as vacation rentals, and requires both principal dwelling unit and ADU to be connected to public sewer (no septic systems permitted).

Local contact (name and title): Richard Townsend,

Phone: 541-996-1227

E-mail: rtown@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 _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- 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 17.04 (Definitions), Section 17.04.020; Chapter 17.16 (R-1), Chapter 17.20 (R-M), Chapter 17.28 (RC), Chapter 17.32 (GC), Chapter 17.40 (R-R), Chapter 17.50 (OP); Chapter 17.80 (Provisions Applying to Special Uses), and adding a new Section 17.80.110, Standards for Accessory Dwelling Units.

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. 2014-08

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE,
TITLE 17, (ZONING); AMENDING CHAPTER 17.04 (DEFINITIONS), SECTION
17.04.020; AMENDING THE LIST OF ACCESSORY USES IN THE FOLLOWING
ZONING DISTRICTS: CHAPTER 17.16 (R-1), CHAPTER 17.20 (R-M), CHAPTER 17-28
(RC), CHAPTER 17.32 (GC), CHAPTER 17.40 (R-R) CHAPTER 17.50 (OP); AMENDING
CHAPTER 17.80 (PROVISIONS APPLYING SPECIAL USES), ADDING SECTION
17.80.110, RELATING TO STANDARDS FOR ACCESSORY DWELLING UNITS**

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

The City Council finds:

- A. The amendments to the Lincoln City Municipal Code to add provisions relating to accessory dwelling units 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 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 was included in an ORS 227.186(4) notice to all affected property owners.
- D. The Planning Commission, on January 21, 2014, held a public hearing and considered the amendments contained within this ordinance. On February 4, 2014 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.
- E. The City Council held a public hearing on March 10, 2014, and the record was closed on March 19, 2014; the Council deliberated on the proposed amendments on March 24, 2014; after deliberation Council requested staff prepare an ordinance for adoption.
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

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2 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

3
4 **SECTION 1.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.08 (*Definitions*),
5 Section 17.08.010, (*Definitions*) is hereby amended to add the following new definition:

6
7 **Accessory dwelling unit. "Accessory dwelling unit" means a dwelling unit**
8 **providing complete independent living facilities for one or more persons that**
9 **include permanent provisions for living, sleeping, eating, cooking, and**
10 **sanitation and that is created within, attached to, or detached from a single-**
11 **family dwelling, attached single-family dwelling, or manufactured home. The**
12 **accessory dwelling unit is auxiliary to and smaller than the single-family**
13 **dwelling, attached single-family dwelling, or manufactured home.**

14
15
16 **SECTION 2.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.16 (*Single Family*
17 *Residential (R-1) Zone*), Section 17.16.030 (*Accessory Uses*) is hereby amended to add
18 accessory dwelling units, to read as follows:

19
20 **17.16.030 Accessory uses.**

21 The following accessory uses are permitted:

- 22 A. Guest houses, not rented or otherwise conducted as a business and provided
23 there are no cooking facilities in the guest house;
24 B. Home occupations, subject to the provisions of LCMC 17.52.010;
25 C. Gardens and animals, subject to the provisions of LCMC 17.80.080;
26 **D. Accessory dwelling units in association with single-family dwellings, subject**
27 **to the provisions of LCMC 17.80.110.**
28 **E.** Other accessory uses and accessory buildings and structures customarily
29 appurtenant to a permitted use.

30
31 **SECTION 3.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.16 (*Multiple-*
32 *Family Residential (R-M) Zone*), Section 17.20.030, (*Accessory Uses*) is hereby amended to
33 add accessory dwelling units, to read as follows:

34
35 **17.20.030 Accessory uses.**

36 The following accessory uses are permitted:

- 37 A. Offices incidental and necessary to the conduct of a permitted use;

- 1 B. Off-street parking lots when appurtenant to a permitted use in the R-M zone,
2 subject to the provisions of Chapter 17.56 LCMC;
- 3 C. Home occupations, subject to the provisions of LCMC 17.52.010(E);
- 4 D. Gardens and animals, subject to the provisions of LCMC 17.80.080;
- 5 **E. Accessory dwelling units in association with single-family dwellings, subject**
6 **to the provisions of LCMC 17.80.110.**
- 7 **F.** Other accessory uses and accessory buildings and structures customarily
8 appurtenant to a permitted use.

9
10 **SECTION 4.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation-*
11 *Commercial (RC) Zone*), Section 17.28.030, (*Accessory Uses*) is hereby amended to add
12 accessory dwelling units, to read as follows:

13 **17.28.030 Accessory uses.**

14 The following accessory uses are permitted:

- 15 A. Gardens and animals, subject to the provisions of LCMC 17.80.080;
- 16 **B. Accessory dwelling units in association with single-family dwellings, subject**
17 **to the provisions of LCMC 17.80.110.**
- 18 **C.** Other accessory uses and accessory buildings and structures customarily
19 appurtenant to a permitted use.

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21 **SECTION 5.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General-*
22 *Commercial (GC) Zone*), Section 17.32.030, (*Accessory Uses*) is hereby amended to add
23 accessory dwelling units, to read as follows:

24 **17.32.030 Accessory uses.**

25 The following accessory uses are permitted:

- 26 A. Gardens and animals, subject to the provisions of LCMC 17.80.080;
- 27 **B. Accessory dwelling units in association with single-family dwellings, subject**
28 **to the provisions of LCMC 17.80.110.**
- 29 **C.** Other accessory uses and accessory buildings and structures customarily
30 appurtenant to a permitted use.

31
32 **SECTION 6.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.40 (*Recreation-*
33 *Residential (R-R) Zone*), Section 17.40.030, (*Accessory Uses*) is hereby amended to add
34 accessory dwelling units, to read as follows:

35 **17.40.030 Accessory uses.**

36 The following accessory uses are permitted:

- 37 A. Gardens and animals, subject to the provisions of LCMC 17.80.080;

1 B. **Accessory dwelling units in association with single-family dwellings, subject**
2 **to the provisions of LCMC 17.80.110.**

3 C. Other accessory uses and accessory buildings and structures customarily
4 appurtenant to a permitted use.
5

6 **SECTION 7.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.50 (*OceanLake*
7 *Plan (OP) District*), Article II (*Land Use Standards*) Section 17.50.050, (*Permitted Uses*),
8 Table 17.50.050 (*Land Uses Allowed in Oceanlake*), is hereby amended to add after
9 accessory dwelling unit to the Table after "*Gardens and animals, accessory to a permitted*
10 *use and subject to the provisions of LCMC 17.80.080*", to read as follows:
11

	Main Street Area	Interior Area	Oceanfront Area
<u>Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to the provisions of LCMC 17.80.110</u>	<u>P</u>	<u>P</u>	<u>P</u>

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14 **SECTION 8.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.80 (*Provisions*
15 *Applying to Special Uses*), is hereby amended to add a new Section 17.80.110, (*Accessory*
16 *dwelling unit standards*) to read as follows:
17

18 **17.80.110. Accessory dwelling unit standards.**

19
20 **A. Purpose. Accessory dwelling units (ADUs) are allowed to provide**
21 **homeowners with a means of obtaining, through tenants in either the**
22 **accessory dwelling unit or the principal unit, rental income, companionship,**
23 **security, and services; ADUs add affordable units to the existing housing**
24 **supply; ADUs make housing units available to moderate-income people who**
25 **might otherwise have difficulty finding homes within Lincoln City; ADUs create**
26 **housing units in single-family neighborhoods that are appropriate for people**
27 **at a variety of stages in the life cycle; and ADUs protect neighborhood stability,**
28 **property values, and the single-family residential appearance of the**
29 **neighborhood.**

30
31 **B. Standards. Accessory dwelling units shall conform to the following**
32 **standards:**
33

- 1 **1. Type. Accessory dwelling units may be a portion of the building that**
2 **contains the primary dwelling unit, attached to a garage, or a separate, free-**
3 **standing unit.**
- 4 **2. Floor area. Accessory dwelling units shall not exceed 750 square feet of**
5 **floor area or 50% of the floor area of the principal dwelling unit, whichever**
6 **is less.**
7 **Lot size. An accessory dwelling unit may be developed on a lot or parcel**
8 **with an area of 3,500 square feet or more. If the lot or parcel does not meet**
9 **the minimum lot size for the zoning district in which the lot or parcel is**
10 **located the accessory dwelling unit must be a portion of the existing**
11 **building (or lawful addition to) the principal dwelling unit.**
12 **Notwithstanding the above, the ADU may be a separate structure if the lot**
13 **is 5000 sq. ft. or larger, is legally nonconforming and provided all other**
14 **zoning standards are met.**
- 15 **3. One unit. A lot or parcel may have a maximum of one accessory dwelling**
16 **unit.**
- 17 **4. Exempt from density limits. Accessory dwelling units are exempt from the**
18 **density standards of the zoning districts in which they are located.**
- 19 **5. Occupancy. No one may occupy an accessory dwelling unit until the**
20 **Planning & Community Development Department has issued a certificate of**
21 **occupancy for the unit.**
- 22 **6. Design. An accessory dwelling unit shall comply with the following**
23 **standards:**
 - 24 **a. Roofs. Roofs of detached accessory dwelling units shall be similar to**
25 **the main house, preferably not flat, and shall include high quality**
26 **architectural embellishments, such as dormers, gables, and eave trim.**
 - 27 **b. Facades. A street-facing façade of the accessory dwelling unit shall**
28 **include a high-quality exterior of materials that are durable and**
29 **appropriate in a coastal environment, and windows similar in size,**
30 **style, and orientation to the main house, including molding.**
 - 31 **c. Color. The exterior color shall be of the same color family and**
32 **intensity as the main house.**
- 33 **7. Unity of Ownership. An accessory dwelling unit shall not in any way be**
34 **segregated in ownership from the principal dwelling unit.**
- 35 **8. Owner-occupied. Either the principal dwelling unit or the accessory**
36 **dwelling unit shall be occupied by the property owner as the owner's**
37 **permanent and principal residence. The property owner shall prepare,**
38 **execute, and record a covenant or deed restriction in favor of the city, in a**
39 **form acceptable to the city, providing future property owners with notice of**

1 this restriction. The owner-occupied unit may not be rented to other
2 parties.

3 **9. Off-street parking. Each accessory dwelling unit must have one off-street**
4 **parking space. This requirement is in addition to the off-street parking**
5 **requirements that apply to the principal dwelling.**

6 **10. Primary entrance. If the accessory dwelling unit's primary entrance is not**
7 **the same as that for the principal dwelling unit it shall be less visible from**
8 **the street view of the principal dwelling than the main entrance of the**
9 **principal dwelling unit. If the accessory dwelling unit is accessed via a**
10 **stairway the stairway may not be constructed on the front of the principal**
11 **dwelling unit.**

12 **11. Vacation rental. Neither the accessory dwelling unit nor the principal**
13 **dwelling unit may be used as a vacation rental dwelling.**

14 **12. Sewer connection. Both the principal dwelling unit and the accessory**
15 **dwelling unit must be connected to the city sewer system. Neither the**
16 **accessory dwelling unit nor the principal dwelling unit may use a septic**
17 **system.**

18
19 **SECTION 9. Findings Adopted.**

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21 The findings contained in the Whereas Clauses of this ordinance, together with the
22 Findings set forth in Exhibit A, as well as the competent substantial evidence in the
23 whole record of this legislative proceeding are incorporated into this section by
24 reference as if fully set forth herein, and are adopted in support of this legislative action.

25
26 **SECTION 10. Severability.**

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28 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
29 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
30 the remaining sections, subsections, paragraphs and clauses.

31
32 **SECTION 11. Savings.** Notwithstanding the amendment to this Title, the existing Title
33 remains valid and in full force and effect for purposes of all criminal, civil or
34 administrative code enforcement cases or land use actions or applications filed or
35 commenced during the time said ordinances were operative. Nothing in this Ordinance
36 affects the validity of prosecutions commenced and continued under the laws in effect
37 at the time the matters were originally filed.

38
39 **SECTION 12. Ordinance Effective Date.**

1 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of
2 its adoption.

3
4 **SECTION 13. Codification.**

5
6 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
7 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
8 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
9 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 9-13) need
10 not be codified and the City Recorder is authorized to correct any cross-references and
11 any typographical errors.

12
13 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
14 Section 9.2 of the City of Lincoln City Charter on the 28th day of April, 2014 (First
15 Reading) and on the 12th day of May, 2014 (Second Reading).

16
17 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 12th day
18 of May, 2014.

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22 DICK ANDERSON, MAYOR

23 ATTEST:

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26 CATHY STEERE, CITY RECORDER

27
28 APPROVED AS TO FORM:

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31 RICHARD APPICELLO, CITY ATTORNEY
32