



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

07/07/2014

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 004-13

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: Tuesday, July 22, 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 004-13  
File No.: (20108)  
[17927]  
Received: 7/1/2014

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 2013-06**

Date of adoption: 06/09/2014

Date sent: 7/1/2014

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 prohibits use of cottages as vacation rentals, and requires cottages 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](mailto: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 17.16 Single-Family Residential (R-1) zone; Chapter 17.20 Multiple-Family (RM) zone; Chapter 17.40 Recreation-Residential (R-R) zone; and Chapter 17.80 Provisions Applying to Special Uses (adding a new section 17.80.120 Cottage Housing Developments).

**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. 2014-10**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE,  
TITLE 17, (ZONING); AMENDING THE LIST OF PERMITTED USES IN THE  
FOLLOWING ZONING DISTRICTS: CHAPTER 17.16 (R-1), CHAPTER 17.20 (R-M),  
CHAPTER 17.40 (R-R); AMENDING CHAPTER 17.80 (PROVISIONS APPLYING  
SPECIAL USES), ADDING A NEW SECTION 17.80.120 RELATING TO COTTAGE  
HOUSING DEVELOPMENTS**

*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 cottage housing developments 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 also 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.

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

3 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**  
4

5 **SECTION 1.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.16 (*Single-Family*  
6 *Residential (R-1) Zone*), Section 17.16.020 (*Permitted uses*) is hereby amended to add an  
7 additional permitted use, to read as follows:

8 **17.16.020 Permitted uses.**

9 The following uses are permitted:

10 A. Single-family dwellings;

11 B. Attached single-family dwelling, if attached to no more than one other single-  
12 family dwelling;

13 C. Two-family and duplex dwellings when developed on a minimum 8,000-  
14 square-foot lot;

15 **D. Cottage housing developments, subject to the provisions of LCMC**  
16 **17.80.120;**

17 **D E.** Community gardens and market gardens not larger than 12,500 square feet,  
18 in accordance with the standards of LCMC 17.80.080;

19 **E F.** Public parks, playgrounds and other similar publicly owned recreation areas;

20 **F G.** Bed and breakfast accommodations, subject to the standards set forth in  
21 LCMC 17.80.060;

22 **G H.** Manufactured homes when developed in accordance with the standards set  
23 forth in LCMC 17.52.250;

24 **H I.** A mobile home used during construction of a permitted use for which a  
25 building permit has been issued, but not exceeding six months;

26 **I J.** Residential homes;

27 **J K.** Essential emergency communications and warning facilities.

28 **SECTION 2.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.20 (*Multiple-*  
29 *Family Residential (R-M) Zone*), Section 17.20.020 (*Permitted uses*) is hereby amended to  
30 add an additional permitted use, to read as follows:

31 **17.20.020 Permitted uses.**

32 The following uses are permitted:

33 A. Single-family dwellings, if developed under the standards set forth for single-  
34 family dwellings within the R-1 zone (except for the building coverage standards,

1 which shall be as set out in LCMC 17.20.060(D), and two-family dwellings or  
2 duplexes;

3 B. Multiple-family dwellings and apartment houses;

4 **C. Cottage housing developments, subject to the provisions of LCMC**

5 **17.80.120;**

6 **C D.** Rooming and boarding houses;

7 **D E.** Community gardens and market gardens not larger than 12,500 square feet,  
8 in accordance with the standards of LCMC 17.80.080;

9 **E F.** A mobile home used during construction of a permitted use for which a  
10 building permit has been issued, but not exceeding six months;

11 **F G.** Bed and breakfast accommodations, subject to the standards set forth in  
12 LCMC 17.80.060;

13 **G H.** Manufactured homes when developed in accordance with the standards  
14 specified in LCMC 17.52.250;

15 **H I.** Attached single-family dwellings, when developed in accordance with the  
16 standards specified in LCMC 17.52.260.

17 **SECTION 3.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.40 (*Recreation-*  
18 *Residential (R-R) Zone*), Section 17.40.020 (*Permitted uses*) is hereby amended to add an  
19 additional permitted use, to read as follows:

20 **17.40.020 Permitted uses.**

21 In an R-R zone, the following uses are permitted:

22 A. Single-family dwelling;

23 B. Manufactured home;

24 **C. Cottage housing developments, subject to the provisions of LCMC**

25 **17.80.120;**

26 **C D.** Recreational vehicle;

27 **D E.** Essential emergency communications and warning facilities;

28 **E F.** Community gardens and market gardens not larger than 12,500 square feet,  
29 in accordance with the standards of LCMC 17.80.080.

30  
31 **SECTION 4.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.80 (*Provisions*  
32 *Applying to Special Uses*) is hereby amended by the addition of the following new  
33 Section 17.80.120 (*Cottage Housing Developments*), to read as follows:

34  
35  
36 **17.80.120 Cottage Housing Developments**

1  
2 **A. Purpose. A cottage housing development is a small cluster of dwelling**  
3 **units appropriately sized for smaller households and available as an**  
4 **alternative to the development of typical detached single-family**  
5 **homes. Cottage housing is intended to address the changing**  
6 **composition of households, and the need for smaller, more diverse,**  
7 **and often, more affordable housing choices. Providing for a variety of**  
8 **housing types also encourages innovation and diversity in housing**  
9 **design and site development, while ensuring compatibility with**  
10 **surrounding single-family residential development.**  
11

12 **B. Definitions. The following definitions apply to this section:**

- 13 **1. Common open space: An area improved for recreational use or**  
14 **gardening that all owners in the cottage cluster own and maintain in**  
15 **common through a homeowner's association, condominium**  
16 **association, or similar mechanism.**
- 17 **2. Cottage: A detached, single-family dwelling unit that is part of a**  
18 **cottage housing development and that contains 1,250 square feet or**  
19 **less of gross floor area.**
- 20 **3. Cottage cluster: A group of four (4) to twelve (12) cottages, arranged**  
21 **around a common open space.**
- 22 **4. Cottage housing development: One or two clusters of cottages**  
23 **developed under a single land development plan, or as a part of**  
24 **another land development plan.**
- 25 **5. Footprint: The gross floor area of a cottage's ground-level story.**
- 26 **6. Gross floor area: The area within the exterior walls, but excluding any**  
27 **space where the floor to ceiling height is less than six feet.**

28  
29 **C. Applicable zoning districts. Cottage housing developments are allowed**  
30 **only in the single-family residential (R-1), recreation residential (R-R),**  
31 **and multiple-family (R-M) zoning districts.**  
32

33 **D. Ownership. Cottage housing developments may be sited on one**  
34 **commonly owned parcel with individual cottages owned in a**  
35 **condominium, cooperative, or similar arrangement, or cottages may be**  
36 **on individual lots with shared amenities and facilities owned in**  
37 **common.**  
38

1 **E. Site plan review required. Cottage housing developments require**  
2 **approval through the site plan review process of LCMC 17.52.240.**  
3

4 **F. Standards. Cottage housing developments are subject to the following**  
5 **standards:**

6 **1. Density: Cottages may be built at up to twice the density allowed by**  
7 **the underlying zoning for detached single-family houses.**

8 **2. Number of cottages: A cottage housing development is composed of**  
9 **one or two cottage clusters, with each cluster containing four to 12**  
10 **dwelling units.**

11 **3. Proximity to other cottage housing developments: No part of a**  
12 **cottage housing development may be within 500 feet of another**  
13 **cottage housing development.**

14 **4. Cottage design: The cottages in a cottage housing development are**  
15 **subject to the following standards:**

16 **a. Maximum floor area. The gross floor area of each cottage shall**  
17 **not exceed 1,250 square feet. At least 25% of the cottages in**  
18 **each cluster shall have a gross floor area less than 1,000 square**  
19 **feet.**

20 **b. Maximum footprint: The footprint of each cottage shall not**  
21 **exceed 800 square feet, or 1,200 square feet including an**  
22 **attached garage.**

23 **c. Maximum height. The height of each cottage shall not exceed 25**  
24 **feet.**

25 **d. Setbacks. The setbacks from adjacent property lines along the**  
26 **perimeter of the cottage housing development shall be the same**  
27 **as required by the underlying zone. The minimum distance**  
28 **between all structures, including accessory structures, shall be in**  
29 **accordance with building code requirements.**

30 **e. Private open space. Each cottage may have private open space**  
31 **for the exclusive use of the cottage residents. Private open space**  
32 **does not count towards the required common open space.**

33 **f. Orientation of cottages. Cottages shall be clustered around the**  
34 **common open space. Each cottage shall have a primary entrance**  
35 **and covered porch oriented to the common open space. All**  
36 **cottages shall be within 50 feet walking distance from the**  
37 **common open space, measured from the façade of the cottage to**  
38 **the nearest delineation of the common open space. The design of**  
39 **the common open space shall not use unusual areas or**



1                   projections to meet this requirement. Lots in a cottage housing  
2                   development are not required to abut a public street.

3                   g. Public street facing facades. Cottages abutting a public street  
4                   shall have an entrance and a porch, bay window, or other  
5                   architectural enhancement oriented to the public street. Garage  
6                   or carport entrances may not face a public street.

7                   h. Porches. Each cottage shall have a covered open porch that shall  
8                   be oriented toward the common open space and that shall be at  
9                   least six feet in depth measured perpendicular to the abutting  
10                  building facade and at least 60 square feet in area.

11                  i. Fire access. No part of any structure shall be more than 150 feet,  
12                  as measured by the shortest clear path on the ground, from fire  
13                  department vehicle access.

14                  j. Energy efficiency. Each Cottage shall meet or exceed the energy  
15                  code provisions of the Oregon Residential Specialty Code.

16  
17                  5. Community buildings. Cottage housing developments may include  
18                  community buildings that provide space for accessory uses such as  
19                  community meeting rooms, exercise rooms, day care, or community  
20                  eating areas. They shall have a footprint of no more than 800 square  
21                  feet and may not exceed one story in height. Their design, including  
22                  the roof lines, shall be similar to and compatible with that of the  
23                  cottages within the cottage housing development.

24  
25                  6. Common open space: Each cottage cluster shall have common open  
26                  space in order to provide a sense of openness and community of  
27                  residents. Common open space is subject to the following standards:

28                  a. Each cottage cluster shall contain at least 2,000 square feet of  
29                  common open space regardless of the number of cottages in the  
30                  cluster, and not less than 400 square feet of common open space  
31                  per cottage.

32                  b. Each cottage cluster's common open space shall be in a single,  
33                  contiguous, useable piece.

34                  c. Each cottage cluster's common open space shall abut at least 50  
35                  percent of the cluster's cottages.

36                  d. Cottages shall abut each cottage cluster's common open space on  
37                  at least two sides of the open space.

38                  e. Parking areas, required yards, private open space, and driveways  
39                  do not qualify as common open space.

1 **7. Parking. Parking for a cottage housing developments is subject to**  
2 **the following standards:**

- 3
- 4 **a. Minimum number of parking spaces. Cottage housing**  
5 **developments shall have at least one parking space for each**  
6 **cottage with a gross floor area of 700 feet or less, 1.5 parking**  
7 **spaces for each cottage with a gross floor area of 701 to 1000**  
8 **square feet (with the total number required rounded up to the**  
9 **nearest whole number), and two parking spaces for each cottage**  
10 **with a gross floor area over 1,000 square feet.**
- 11 **b. Guest parking. Cottage housing developments shall have at least**  
12 **0.5 additional guest parking spaces for each cottage in the**  
13 **development, rounded up to the nearest whole number. These**  
14 **spaces shall be clearly identified as being reserved for guests.**
- 15 **c. Reduction in number of required parking spaces. The required**  
16 **number of parking spaces may be reduced by the number of on-**  
17 **street parking spaces on public streets adjacent to and**  
18 **immediately abutting the cottage housing development.**
- 19 **d. Clustering. Parking areas may be arranged in clusters limited to**  
20 **no more than five contiguous spaces.**
- 21 **e. Access. Parking areas shall be accessed only by a private**  
22 **driveway or public alley. No parking space may access a public or**  
23 **private street directly. No parking space may be between a public**  
24 **street and cottages abutting the public street.**
- 25 **f. Design. The design of garages and carports, including the roof**  
26 **lines, windows, and trim, shall be similar to and compatible with**  
27 **that of the cottages within the cottage housing development.**
- 28 **g. Screening. Landscaping or architectural screening at least three**  
29 **feet tall shall separate parking areas from the common area and**  
30 **public streets. Solid board fencing shall not be allowed as an**  
31 **architectural screen.**

32

33 **8. Walkways. A cottage housing development shall have sidewalks**  
34 **abutting all public streets. A system of interior walkways shall**  
35 **connect each cottage to the common open space, parking areas, any**  
36 **community buildings, and the sidewalks abutting any public streets**  
37 **bordering the cottage housing development. Sidewalks abutting**  
38 **public streets shall be at least six feet in width, and interior walkways**  
39 **shall be at least four feet in width.**

1  
2 **9. Interior fences. Fences on the interior of the cottage housing**  
3 **development shall not exceed three feet in height and shall not**  
4 **consist of solid board fencing.**  
5

6 **10. Existing structures. On a lot or parcel to be used for a cottage**  
7 **housing development, an existing detached single-family dwelling**  
8 **that may be nonconforming with respect to the requirements of this**  
9 **section may remain, but the extent of its non-conformity may not be**  
10 **increased. Such dwellings shall count towards the number of**  
11 **cottages allowed in the cottage housing development.**  
12

13 **11. Exemptions. Cottage housing developments are exempt from the**  
14 **following standards:**  
15

- 16 a. **The requirement of LCMC 16.08.050 that a subdivision with land**  
17 **area greater than two acres or ten lots must be processed as a**  
18 **planned unit development.**  
19 b. **The minimum lot sizes of LCMC 16.12.220.**  
20 c. **The standards of LCMC 17.16.070 (R-1 zone) for minimum lot**  
21 **width, maximum lot coverage, minimum lot area (but not the**  
22 **applicable underlying maximum density, as modified by**  
23 **subsection F.1. of this section), and yard requirements (except on**  
24 **the perimeter of the cottage housing development).**  
25 **Notwithstanding the exception for maximum lot coverage above,**  
26 **if the coverage standard for the underlying district is exceeded,**  
27 **the cottage cluster project shall utilize innovative design**  
28 **techniques (e.g. bioswales and pervious concrete) to retain storm**  
29 **water onsite and provide for water quality treatment before**  
30 **discharge. Such storm water treatment methods are subject to**  
31 **approval of the City Engineer.**  
32 d. **The standards of LCMC 17.16.090 (R-1 zone) relating to off-street**  
33 **parking and loading.**  
34 e. **The standards of LCMC 17.40.060 (R-R zone) for yard**  
35 **requirements (except on the perimeter of the cottage housing**  
36 **development), minimum lot area (but not the applicable**  
37 **underlying maximum density, as modified by subsection F.1. of**  
38 **this section), and off-street parking and loading.**  
39 f. **The number of required parking spaces of LCMC 17.56.050.**

1  
2 **12. Vacation rental. No cottage in a cottage housing development may**  
3 **be used as a vacation rental dwelling.**

4 **13. Sewer connection. Each cottage in a cottage housing development**  
5 **must be connected to the city sewer system. No cottage in a cottage**  
6 **housing development may use a septic system.**

7  
8 **G. Conflicts. In the event of a conflict between this section and other**  
9 **sections of LCMC Title 16 or 17, this section shall control.**

10  
11 **SECTION 5. Findings Adopted.**

12  
13 The findings contained in the Whereas Clauses of this ordinance, together with the  
14 Findings set forth in Exhibit A, as well as the competent substantial evidence in the  
15 whole record of this legislative proceeding are incorporated into this section by  
16 reference as if fully set forth herein, and are adopted in support of this legislative action.  
17

18 **SECTION 6. Severability.** The sections, subsections, paragraphs and clauses of this  
19 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause  
20 shall not affect the validity of the remaining sections, subsections, paragraphs and  
21 clauses.  
22

23 **SECTION 7. Savings.** Notwithstanding the amendment to this Title, the existing Title  
24 remains valid and in full force and effect for purposes of all criminal, civil or  
25 administrative code enforcement cases or land use actions or applications filed or  
26 commenced during the time said ordinances were operative. Nothing in this Ordinance  
27 affects the validity of prosecutions commenced and continued under the laws in effect  
28 at the time the matters were originally filed.  
29

30 **SECTION 8. Ordinance Effective Date.**

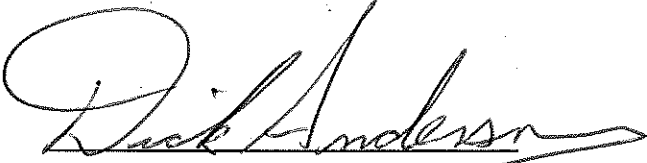
31 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of  
32 its adoption.  
33

34 **SECTION 9. Codification.** Provisions of this Ordinance shall be incorporated in the City  
35 of Lincoln City Municipal Code and the word "ordinance" may be changed to "code",  
36 "article", "section", "chapter" or another word, and the sections of this Ordinance may be  
37 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate  
38 provisions (i.e. Sections 5-9) need not be codified and the City Recorder is authorized to  
39 correct any cross-references and any typographical errors.

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The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 28th day of April, 2014 (First Reading) and on the 9th day of June, 2014 (Second Reading).

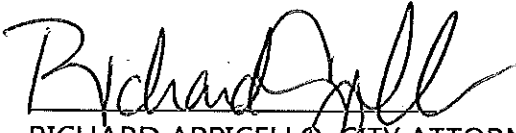
PASSED AND ADOPTED by the City Council of the City of Lincoln City this 9<sup>th</sup> day of June 2014.

  
DICK ANDERSON, MAYOR

ATTEST:

  
CATHY STIERE, CITY RECORDER

APPROVED AS TO FORM:

  
RICHARD APPICELLO, CITY ATTORNEY

**ORDINANCE NO. 2014-10**  
**PROVISIONS RELATING TO COTTAGE HOUSING DEVELOPMENTS**

**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, and were posted on the city’s website. 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 planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, 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 the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore 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. There is no agricultural land in Lincoln City. 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 affect only areas already committed to urban residential development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. By allowing increased residential density (i.e. at double the density that would be permitted without the amendments) the amendments will result in conservation of land. 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 adversely affect the quality of the air or water. By allowing increased residential density they may improve air and water quality by reducing the need for automobile travel and by making better use of existing stormwater management facilities. Further, the amendments can be expected to reduce the demand for development of greenfields and reduce the need for construction of new infrastructure, thereby avoiding the air and water quality impacts of raw material extraction, processing, and installation. 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 by themselves allow development within any natural hazard area. The existing ordinance and plan requirement relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they 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 amendments do not relate to recreational needs and have no impact on them. By allowing greater density of development in areas already served by recreation facilities the amendments may reduce the need for development of new recreation facilities and improve the utilization of existing facilities. Therefore, they 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 do not relate directly to economic development. But they do help to provide more affordable workforce housing, which makes economic development more practical. They are consistent with Goal 9.

#### (10) Goal 10: Housing

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

The amendments provide an additional option for meeting the housing needs of the people of Lincoln City. Moreover, this is done in a way that reduces the first cost of the cottage housing development housing option, thereby improving its affordability. 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 cottage housing developments amendments, by allowing increased development on areas already served by public facilities such as sewer and water utilities promotes the more efficient use of existing facilities. The amendments, therefore, are consistent with Goal 11.

#### (12) Goal 12: Transportation

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

The amendments promote more efficient use of existing transportation facilities and help to make walking and bicycling modes more feasible through allowing increased development close to work sites, commercial core areas, and schools and places of worship. The amendments, therefore, are consistent with Goal 12.



(13) Goal 13: Energy Conservation

“To conserve energy.”

By allowing increased density on land already committed to residential development the proposed amendments help to reduce travel time to work sites, commercial core areas, and schools and places of worship, thereby conserving energy that would be consumed if travel to these sites was from greater distances. Moreover, by allowing more development in areas already served by public facilities the energy costs of installing new or extending facilities, and of extracting the processing the material that would go into them, also are saved. And because walking and bicycling options are enhanced the energy that would be consumed in automobile travel is conserved. 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 enhance the ability to accommodate population within the urban growth boundary by allowing increased density of development on lands already committed to urban development. 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 by themselves do not allow development in areas adjacent to the city’s designated estuarine resource (i.e., Siletz Bay). All development in such areas already is controlled by existing ordinance and comprehensive plan standards and these standards would be applied to any cottage housing developments that might be developed in areas affecting the estuary. 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 in which cottage housing developments might be proposed. All development in such areas already is controlled by existing ordinance and comprehensive plan standards and these standards would be applied to any cottage housing developments that might be developed in areas affecting the coastal shorelands. The amendments, 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 do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinance and comprehensive plan standards and these standards would be applied to any cottage housing developments that might be developed in areas affecting beaches and dunes. 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, by themselves, affect any ocean resources 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.”

The cottage housing developments amendments, by allowing increased development on areas already served by public facilities such as sewer and water utilities promotes the more efficient use of existing facilities. 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 enhance the ability to accommodate population within the urban growth boundary by allowing increased density of development on lands already committed to 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.”

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments are consistent with this goal.

(6) Housing Goal

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

The amendments provide an additional option for meeting the housing needs of the people of Lincoln City. Moreover, this is done in a way that reduces the first cost of the cottage housing development housing option, thereby improving its affordability. 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 do not relate directly to economic development. But they do help to provide more affordable workforce housing, which makes economic development more practical. 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.”

The proposed amendments contain standards specifically intended and designed to protect the aesthetic quality of Lincoln City by promoting the attractiveness of new residential development. 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 promote more efficient use of existing transportation facilities and help to make walking and bicycling modes more feasible through allowing increased development close to work sites, commercial core areas, and schools and places of worship. The amendments are consistent with this goal.

(10) Energy Goal

“To conserve energy.”

By allowing increased density on land already committed to residential development the proposed amendments help to reduce travel time to work sites, commercial core areas, and schools and places of worship, thereby conserving energy that would be consumed if travel to these sites was from greater distances. Moreover, by allowing more development in areas already served by public facilities the energy costs of installing new or extending facilities, and of extracting the processing the material that would go into them, also are saved. And because walking and bicycling options are enhanced the energy that would be consumed in automobile travel is conserved. 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 amendments, by themselves, do not allow development in sensitive natural resource areas. By allowing greater development density in areas already committed to urban development the amendments reduce the need to extend development into undeveloped areas. 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 amendments by themselves do not allow development in areas adjacent to the city’s designated estuarine resource (i.e., Siletz Bay), in the city’s coastal shorelands, beach and dune areas, or in ocean resource areas. To the extent these areas might be proposed for development of cottage housing developments, the existing ordinance and comprehensive plan standards and these would be applied, thereby protecting these resources. The amendments are consistent with this goal.