

CITY OF LINCOLN CITY  
CITY COUNCIL AGENDA

**MONDAY OCTOBER 14, 2024, 6:00 PM**

**6:00 PM** - The City Council will hold a regular meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone.

Public comments submitted by email to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet.

**\*\*PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org)\*\***

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1221](tel:541-996-1221) or [kmattias@lincolncity.org](mailto:kmattias@lincolncity.org). Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at [www.lincolncity.org](http://www.lincolncity.org) under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit [www.lincolncity.org/government/streaming](http://www.lincolncity.org/government/streaming). This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Oregon Liquor Control Commission - Request for Limited On-Premises Sales License for Allies at the Coast.
2. Regular Meeting – Minutes of Regular Meeting – September 23, 2024, 6:00 PM
3. Regular Meeting – Minutes of Work Session – October 7, 2024, 5:00 PM

**E. COUNCIL DELIBERATIONS**

**F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**G. PRESENTATIONS**

4. Proclamation: Central Coast Humane Society - A proclamation to acknowledge October 14, 2024 as Central Coast Humane Society day in the City of Lincoln City.
5. Presentation by Coastal Support Services - Amanda Cherryholmes, Executive Director, for Coastal Support Services will be presenting information regarding future operational expansion plans and enhanced case management support for our shelters.
6. Presentation by Northwest Coastal Housing - Sheila Stiley, Executive Director, for Northwest Coastal Housing will be presenting information regarding their housing initiatives in Lincoln City.
7. Presentation by Helping Hands Reentry Program - Michelle Gaylor, Facilities Director, with Helping Hands Emergency Shelter & Reentry Program, will present an update regarding the operation of the Lincoln City shelter facility.

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Public Hearing: Pacific Power Easement Schooner Creek Discovery Park
2. Public Hearing: Ordinance 2024-10 ZOA 2024-04 (Subdivision Lot Sizes) – Subdivision lot sizes. Ordinance amendment to repeal LCMC 16.12.220 to remove inconsistencies in the municipal code between the lot width requirement of LCMC 16.12.220.A and various sections in Title 17, Zoning.
3. Public Hearing: Ordinance 2024-11 ZOA 2024-05 (Nelscott Cottage Residential) - Ordinance amendment to change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. It would reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet, reduce the minimum allowed lot width from 35 feet to 25 feet, reduce the maximum allowed building height from 35 feet to 25 feet, and increase the maximum allowed building coverage from 35% to 80%.

4. Public Hearing: Ordinance 2024-12 ZOA 2024-07 (Building Lot Coverage) - Ordinance amendment to eliminate the 30-inch height standard which presently determines whether an uncovered deck, porch, or exterior stairs is counted as a part of allowed building coverage Those 30 inches or less above the ground do not count toward building coverage, but those over 30 inches above ground do. Those partly more than 30 inches above ground count partly.
5. Public Hearing: Ordinance 2024-13 ZOA 2024-08 (Indoor Recreation Facilities) - Ordinance amendment to define the term "Indoor commercial recreation facility" and to explicitly allow them as permitted uses in each of the city's commercial zones.

## **J. ORDINANCES**

6. Ordinance 2024-10- ZOA 2024-04 Subdivision Lot Size – Subdivision lot sizes. Ordinance amendment to repeal LCMC 16.12.220 to remove inconsistencies in the municipal code between the lot width requirement of LCMC 16.12.220.A and various sections in Title 17, Zoning.
7. Ordinance 2024-11- ZOA 2024-05 Nelscott Cottage Residential - Ordinance amendment to change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. It would reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet, reduce the minimum allowed lot width from 35 feet to 25 feet, reduce the maximum allowed building height from 35 feet to 25 feet, and increase the maximum allowed building coverage from 35% to 80%.
8. Ordinance 2024-12- ZOA 2024-07 Building Lot Coverage - Ordinance amendment to eliminate the 30-inch height standard which presently determines whether an uncovered deck, porch, or exterior stairs is counted as a part of allowed building coverage Those 30 inches or less above the ground do not count toward building coverage, but those over 30 inches above ground do. Those partly more than 30 inches above ground count partly.
9. Ordinance 2024-13- ZOA 2024-08 Indoor Recreation Establishments - Ordinance amendment to define the term "Indoor commercial recreation facility" and to explicitly allow them as permitted uses in each of the city's commercial zones.
10. Ordinance 2024-15- Adding Sign Requirements Regarding Fireworks to STRs - This ordinance would require owners of STRs to post the most recent poster describing the fireworks ban in Lincoln City.
11. Ordinance 2024-16- Amending the Farmers' Market Ratio - This ordinance would amend the farmer's market code so that the ratio of fresh and processed foods/nursery stock to crafts is 25:75. This change comes as a result of staff research into other cities farmer's market rules and market research from farmer's market organizers.

## **K. RESOLUTIONS**

13. Resolution 2024-28: Pacific Power Easement - Schooner Creek Discovery Park
14. Resolution 2024-29: Resolution of the City of Lincoln City, Adopting the Supplemental Budget for the Fiscal Year 2024-25, as Approved by the City Council, and Making Appropriations to increase City Hall Operations in the General Fund by \$11,500 for land purchase, and increase Explore Lincoln City budget by \$33,400 for Finders Keepers 25<sup>th</sup> anniversary.

## **L. SPECIAL ORDER OF BUSINESS**

15. Fourth of July Drone Display Vendor Contract and Presentation
16. Reappointment to Sustainability Committee – Asking Council to Reappoint Applicant Leonard Folino using the abbreviated process.

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

**O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

**Q. ADJOURNMENT**

# Council Communication

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## OLCC - Request for Limited On-Premises Sales License\_ Allies at the Coast

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Jamie Young            |
| Department:     | City Council     | E-Mail:                | JYoung@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 15 minutes             |

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### Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a new outlet, limited on-premises sales liquor license for Allies at the Coast?

### Staff Recommendations:

A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

### Legal Background and Framework:

LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

### Council Options:

1. Approve a favorable recommendation for a new outlet, limited on-premises sales liquor license.
2. To not approve the license application.

### Potential Motions:

*Motion to approve the Oregon Liquor Control Commission (OLCC) new outlet limited on-premises sales liquor license for Allies at the Coast.*

### Attachments:

Allies at the Coast\_Redacted (PDF)



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Section 1 – Submission - To be completed by Applicant:

License Information

FINANCE DEPARTMENT  
SEP 10 2024  
CITY OF LINCOLN CITY

Legal Entity/Individual Applicant Name(s): *Allies At the Coast*

Proposed Trade Name: *Allies At the Coast*

Premises Address: *1512 SE Hwy 101* Ste:

City: *Lincoln City* County: *Lincoln* Zip: *971367*

Application Type:  New License Application  Change of Ownership  Change of Location

License Type: *Full on Premis Commer*  Additional Location for an Existing License

Application Contact Information

Contact Name: *Daniel Clarten* Phone: [Redacted]

Mailing Address: *1330 NE Hwy 101*

City: *Lincoln City* State: *OR* Zip: *971367*

Email Address: [Redacted]

Business Details

Please check all that apply to your proposed business operations at this location:

- Manufacturing/Production at this location
- Retail Off-Premises Sales at this location
- Retail On-Premises Sales & Consumption at this location

If there will be On-Premises Consumption at this location:

- Indoor Consumption  Outdoor Consumption
- Malt Beverage/Wine/Cider Consumption  Distilled Spirits Consumption
- Proposing to Allow Minors *till 10pm*

Section 1 Continued on next page



# Local Government Recommendation – Liquor License

### Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): *Allies At The Coast*  
Proposed Trade Name:

FINANCE DEPARTMENT  
SEP 10 2024  
CITY OF LINCOLN CITY

After completing section 1, please submit your application to the local government for recommendation.

### Section 2 – Acceptance - To be completed by Local Government:

#### Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

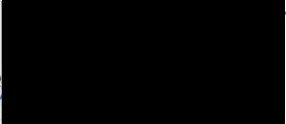
City or County Name:  
Date Application Received:  
Received by:

Optional Date Received Stamp  
**RECEIVED**  
**SEP 11 2024**  
**CITY OF LINCOLN CITY**  
**LINCOLN CITY OR**

### Section 3 – Recommendation - To be completed by Local Government:

- Recommend this license be granted
- Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- No Recommendation/Neutral

Name of Reviewing Official: *Dave Broderick*  
Title: *Chief of Police*  
Date: *9/17/24*

Signature 

After providing your recommendation and signature, please return this form to the applicant.

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

September 23, 2024, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://www.lincolncity.org) under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

**APPROVED BY CITY COUNCIL**

**DATE:**

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 PM.

**B. ROLL CALL**

| Attendee Name  | Title            | Status  | Arrived |
|----------------|------------------|---------|---------|
| Marci Baker    | City Councilor   | Present |         |
| Todd Barker    | City Councilor   | Present |         |
| Judy Casper    | Councilor Ward 3 | Present |         |
| Riley Hoagland | Councilor Ward 2 | Present |         |
| Rick Mark      | Councilor Ward 3 | Present |         |
| Mitch Parsons  | Councilor Ward 1 | Present |         |
| Susan Wahlke   | Mayor            | Present |         |

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Chief David Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Stephanie Reid, Public Works Director; Casey "CJ" Young, Engineering Tech II; Tony LaSoya, I.T. Director; Shannon Macias, Deputy City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

**D. CONSENT AGENDA**

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Consent Agenda</b>                                  |
| <b>MOVER:</b>    | <b>Rick Mark, Councilor Ward 3</b>                     |
| <b>SECONDER:</b> | <b>Judy Casper, Councilor Ward 3</b>                   |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke |
| <b>RESULT:</b>   | <b>Passed</b>  |

1. Regular Meeting – Minutes of Regular Meeting – September 9, 2024, 6:00 PM
2. Regular Meeting – Minutes of Work Session – September 16, 2024, 5:00 PM

**E. COUNCIL DELIBERATIONS**

*None*

**F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**

*No Citizens were present for public comment. Ms. Legarza summarized a comment from Catherine Kitty Chadwick regarding correspondence with ODOT to lower the speed on Highway 101 through Lincoln City.*

**G. PRESENTATIONS**

*None*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

*None*

**J. ORDINANCES**

*None*

**K. RESOLUTIONS**

*None*

**L. SPECIAL ORDER OF BUSINESS**

1. Construction Contract Award for SE 3rd Street Sidewalk

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Approve the Construction Contract Award for SE 3rd Street Sidewalk to K&amp;E Excavating in the Amount of \$1,294,854.20 with a Contingency in the Amount of \$129,485.21 (10 percent of bid amount) for a Total Award Amount of \$1,424,339.62</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>SECONDER:</b> | <b>Riley Hoagland, Councilor Ward 2</b>  |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke   |
| <b>RESULT:</b>   | <b>Passed by Roll Call Vote</b>  |

## 2. Head to Bay Trail Repair Award

**MOTION:** Motion to Approve the Bid Award to K&E Excavating for the West Devils Lake Road Path Repair Project in the Amount of \$109,600.00 with a Construction Contingency of \$10,960.00 (10 percent of bid amount) for a Total Award Amount of \$120,560.00

**MOVER:** Rick Mark, Councilor Ward 3

**SECONDER:** Todd Barker, Councilor Ward 1

**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke

**RESULT:** Passed by Roll Call Vote

## 3. Holmes Rd. Pump Station Sewer Main Replacement Award

**MOTION:** Motion to Approve the Bid Award to K&E Excavating for the Holmes Road Sewer Project in the Amount of \$319,550.00 with a Construction Contingency of \$31,955.00 (10 percent of bid amount) for a Total Award Amount of \$351,505.00

**MOVER:** Judy Casper, Councilor Ward 3

**SECONDER:** Rick Mark, Councilor Ward 3

**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke

**RESULT:** Passed by Roll Call Vote

## 4. Intergovernmental Agreement for the Improvement and Operation of D-River Park between the State of Oregon, Oregon Parks and Recreation Department, and the City of Lincoln City, Oregon

**MOTION:** Motion to Approve the Proposed Intergovernmental Agreement for the Improvement and Operation of D River Park Between the State of Oregon, Oregon Parks and Recreation Department and the City of Lincoln City, Oregon

**MOVER:** Mitch Parsons, Councilor Ward 1

**SECONDER:** Marci Baker, Councilor Ward 2

**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke

**RESULT:** Passed by Roll Call Vote

## 5. Intergovernmental Agreement: Oregon Cascades West Council of Governments for Grant Services

**MOTION:** Motion to Approve the Intergovernmental Agreement for Oregon Cascades West Council of Governments for Grant Services

**MOVER:** Marci Baker, Councilor Ward 2

**SECONDER:** Todd Barker, Councilor Ward 1

**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke

**RESULT:** Passed by Roll Call Vote

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

*Ms. Legarza announced that the State of Oregon has awarded the City \$1 million for the Schooner Creek Discovery Park. Ms. Legarza gave an update on current events. Ms. Legarza encouraged citizens of Lincoln City to sign up for boards and committees, and listed available openings.*

*Ms. Legarza also mentioned that she will ensure visual aids (maps/photos/etc.) of upcoming construction projects are posted on the City's website.*

Mr. Robinson spoke regarding the proposed tobacco resolution. Councilors were unable to open and read the email. Mr. Robinson estimated it would take an hour of his time to present the email to the Council. The Council and Staff discussed the information. Mr. Robinson spoke regarding a list for STRs (short term rentals). The Council and Staff had a discussion regarding the information. Mr. Robinson spoke regarding the signage for STRs. Mr. Robinson said on September 20, Oregon Government Ethics Commission adopted a rule for executive sessions where the media are statutorily authorized to be present, if any person, including any member of the governing body, is attending the executive session by telephone, video, or other electronic means, the governing body shall provide members of the media the same attendance option. Mr. Robinson requested to change the ordinance for executive session.

6.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Motion to Direct Staff to Not Move Forward with a Tobacco Resolution</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>                                      |
| <b>SECONDER:</b> | <b>Judy Casper, Councilor Ward 3</b>  |
| <b>AYES:</b>     | Casper, Mark, Parsons, Wahlke   |
| <b>NAYS:</b>     | Baker, Barker, Hoagland   |
| <b>RESULT:</b>   | <b>Passed by Roll Call Vote</b>   |

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

7.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Approve and Establish the Baseline Questions as Discussed in Executive Session, and Direct Staff to Facilitate Inquiries via Email from City Staff as Appropriate</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>SECONDER:</b> | <b>Judy Casper, Councilor Ward 3</b>   |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke   |
| <b>RESULT:</b>   | <b>Passed by Voice Vote</b>  |

8.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Direct Staff to Provide Council with a Draft Evaluation Form for the City Attorney using the Information Discussed in Executive Session</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>SECONDER:</b> | <b>Judy Casper, Councilor Ward 3</b>   |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke   |
| <b>RESULT:</b>   | <b>Passed by Voice Vote</b>  |

9.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Direct Staff to Set an Executive Session to Complete Review of the Draft for the City Attorney Evaluation Process</b> |
| <b>MOVER:</b>    | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>SECONDER:</b> | <b>Judy Casper, Councilor Ward 3</b>   |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke   |
| <b>RESULT:</b>   | <b>Passed by Voice Vote</b>  |

**O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**

*No Citizens were present for public comment.*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Barker spoke about ZOA 2024-04 from the Planning Commission and when it should be discussed. Mr. Robinson said it would be done during the public hearing.*

*Councilor Casper spoke about the Continuum of Care meeting that she attended. Councilor Casper also asked about the use photo radar in town. Chief Broderick explained the process of photo radar and red-light cameras.*

*Councilor Baker spoke about the Council Strategic Priorities and asked about more information. Mayor Wahlke said the strategic priorities should be reviewed every January. Ms. Legarza said that she would go over the information. Councilor Baker gave an update on Strategic Planning & visioning at the League of Oregon Cities. She also asked about an update on the status of Oceanlake Mid-Block Crossings project. Ms. Legarza responded that there are tentative dates in November for updated information from ODOT.*

*Councilor Hoagland inquired about lowering speed limits on Highway 101 as well as West Devils Lake Rd. Ms. Legarza said that a uniform speed limit study is forthcoming. Councilor Hoagland followed up on artificial lights at night.*

*Mayor Wahlke invited children (4<sup>th</sup> to 12<sup>th</sup> graders) to participate in the "If I were Mayor" Contest. Mayor Wahlke said she can be contacted for contest details and entries are due by the end of March. Mayor Wahlke said there are monetary prizes for the top contestants. Mayor Wahlke said she is excited to see the progress on the sidewalk/boardwalk along Highway 101 from West Devils Lake to Neotsu Dr. Mayor Wahlke said the new Welcome to Lincoln City signs have been installed at the north and south ends of town. Mayor Wahlke as to get consensus to appoint Councilor Baker as an ex-officio member to the Citizens Involvement Committee. The Council gave consensus.*

**10.**

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Motion to Appoint Mayor Wahlke as the Voting Delegate at the 2024 LOC Conference</b> |
| <b>MOVER:</b>    | <b>Marci Baker, Councilor Ward 2</b>  |
| <b>SECONDER:</b> | <b>Mitch Parsons, Councilor Ward 1</b>  |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke                                  |
| <b>RESULT:</b>   | <b>Passed by Voice Vote</b>   |

**11.**

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to Direct Staff to Bring back Information Regarding Disallowing Illuminating the Beach Using Artificial Lights at Night.</b> |
| <b>MOVER:</b>    | <b>Riley Hoagland, Councilor Ward 2</b>  |
| <b>SECONDER:</b> | <b>Mitch Parsons, Councilor Ward 1</b>   |
| <b>AYES:</b>     | Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke   |
| <b>RESULT:</b>   | <b>Passed by Voice Vote</b>  |

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:38 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

October 7, 2024, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://www.lincolncity.org) under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

1. **CALL TO ORDER**

Mayor Wahlke called the meeting to order at 5:00 PM.

| Attendee Name  | Title            | Status  | Arrived |
|----------------|------------------|---------|---------|
| Marci Baker    | City Councilor   | Present |         |
| Todd Barker    | City Councilor   | Excused |         |
| Judy Casper    | Councilor Ward 3 | Present |         |
| Riley Hoagland | Councilor Ward 2 | Excused |         |
| Rick Mark      | Councilor Ward 3 | Present |         |
| Mitch Parsons  | Councilor Ward 1 | Present |         |
| Susan Wahlke   | Mayor            | Present |         |

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Stephanie Reid, Public Works Director; Debbie Bridges, Finance Director; Jamie Young, City Recorder.

2. **DISCUSSION ITEMS**

**A. Street Funding Needs & Potential Revenue Sources**

Daphnee Legarza, City Manager, spoke about the graph that was handed out to the Council. Ms. Legarza explained the upcoming projects that are needed to come out the street funds revenues. Debbie Bridges, Finance Director, reviewed the handout with the Council for the additional revenue options for street capital. The Council and Staff discussed the information provided.

**B. Miscellaneous**

*None*

**3. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 5:54 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

## Council Communication

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### Proclamation: Central Coast Humane Society

|                 |                  |                        |                          |
|-----------------|------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Daphnee Legarza          |
| Department:     | City Council     | E-Mail:                | DLegarza@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 10                       |

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The below proclamation is to acknowledge Central Coast Humane Society:

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Whereas Central Coast Humane Society has provided 50 years of support for animal welfare to Lincoln County and its citizens; and

Whereas Central Coast Humane Society has, in the last 10 years alone, provided financial assistance for the care of almost 1,400 animals in need in Lincoln City and its surrounding neighborhoods; and

Whereas Central Coast Humane Society has trapped, neutered, and returned scores of community cats in Lincoln City and its surrounding neighborhoods, promoting the welfare of these animals and the kind and generous citizens who care for them, as well as the health and peace of neighborhoods; and

Whereas the volunteers of Central Coast Humane Society have donated tens of thousands of hours, and the organization has allocated many thousands of grant dollars, as well as donations from generous citizens, to these efforts on behalf of the City of Lincoln City and Lincoln County; and

Whereas the City of Lincoln City has demonstrated with multiple grants to Central Coast Humane Society that it places a very high value on the quality of life and care for both its animals and its citizens

Now, therefore, I, Susan Wahlke, Lincoln City Mayor, do hereby proclaim the date of October 14, 2024 as Central Coast Humane Society day in the City of Lincoln City and encourage all citizens to spay or neuter their owned pets, work with each other to see that all community cats are spayed and neutered, and to consider volunteering for Central Coast Humane Society to help the organization in its efforts to maintain healthy animals and therefore healthy cities.

Proclaimed this 14<sup>th</sup> day of October 2024.

---

Susan Wahlke, Mayor

**Attachments:**

Proclamation - Central Coast Humane Society (DOCX)

# Proclamation

Whereas Central Coast Humane Society has provided 50 years of support for animal welfare to Lincoln County and its citizens; and

Whereas Central Coast Humane Society has, in the last 10 years alone, provided financial assistance for the care of almost 1,400 animals in need in Lincoln City and its surrounding neighborhoods; and

Whereas Central Coast Humane Society has trapped, neutered, and returned scores of community cats in Lincoln City and its surrounding neighborhoods, promoting the welfare of these animals and the kind and generous citizens who care for them, as well as the health and peace of neighborhoods; and

Whereas the volunteers of Central Coast Humane Society have donated tens of thousands of hours, and the organization has allocated many thousands of grant dollars, as well as donations from generous citizens, to these efforts on behalf of the City of Lincoln City and Lincoln County; and

Whereas the City of Lincoln City has demonstrated with multiple grants to Central Coast Humane Society that it places a very high value on the quality of life and care for both its animals and its citizens

Now, therefore, I, Susan Wahlke, Lincoln City Mayor, do hereby proclaim the date of October 14, 2024 as Central Coast Humane Society day in the City of Lincoln City and encourage all citizens to spay or neuter their owned pets, work with each other to see that all community cats are spayed and neutered, and to consider volunteering for Central Coast Humane Society to help the organization in its efforts to maintain healthy animals and therefore healthy cities.

Proclaimed this 14<sup>th</sup> day of October 2024.

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Susan Wahlke, Mayor



## Council Communication

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### **Presentation - Coastal Support Services**

|                 |                  |                        |                          |
|-----------------|------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Daphnee Legarza          |
| Department:     | City Council     | E-Mail:                | DLegarza@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 15 min                   |

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Amanda Cherryholmes, Executive Director, for Coastal Support Services will be presenting information regarding future operational expansion plans and enhanced case management support for our shelters.

## Council Communication

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### **Presentation - Northwest Coastal Housing**

|                 |                  |                        |                          |
|-----------------|------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Daphnee Legarza          |
| Department:     | City Council     | E-Mail:                | DLegarza@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 15 min                   |

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Sheila Stiley, Executive Director, for Northwest Coastal Housing will be presenting information regarding their housing initiatives in Lincoln City.

## Council Communication

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### **Presentation - Helping Hands Reentry Program**

|                 |                  |                        |                          |
|-----------------|------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Daphnee Legarza          |
| Department:     | City Council     | E-Mail:                | DLegarza@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 15 min                   |

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Michelle Gaylor, Facilities Director, with Helping Hands Emergency Shelter & Reentry Program, will present an update regarding the operation of the Lincoln City shelter facility.

## Council Communication

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### Public Hearing- Pacific Power easement Schooner Creek Discovery Park

|                 |                      |                        |                           |
|-----------------|----------------------|------------------------|---------------------------|
| Meeting Date:   | October 14, 2024     | Primary Staff Contact: | David James Robinson      |
| Department:     | City Council         | E-Mail:                | drobinson@lincolncity.org |
| Secondary Dept: | Parks and Recreation | Secondary Contacts:    | Jeanne Sprague            |
| Approval:       | Daphnee Legarza      | Estimated Time:        | 15 minutes                |

---

Question: Should the City Council approve resolution 2024-28 granting an easement to Pacific Power to provide electricity to Schooner Creek Discovery Park?

Staff Recommendation: Staff recommends that City Council grant the easement.

Authority:

Lincoln City Charter 2.1 and 2.3 grants all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers and except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

LCMC 4.06.010 Conveyance of Public Utility Easements

Financial Impact: \$4537.00

Council Options:

Hold public hearing to receive staff report, evidence, and public comments.

1. Adopt the resolution with or without modifications.
2. Continue discussion to the next available meeting.
3. Do not proceed with proposed resolution.

Potential Motions:

I move to adopt Resolution No. 2024-28, A Resolution of the City of Lincoln City Granting and Underground Easement for Electrical Utility Lines and Equipment to Service City Facilities

I move to not proceed with Resolution No. 2024-28 and deny the easement to Pacific Power

I move to continue to the next available meeting

# Council Communication

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## Public Hearing Ord. 2024-10 ZOA 2024-04

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       |                  | Estimated Time:        |                        |

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### Question:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-10 relating to required minimum lot sizes?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-10 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-10.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

### Background:

This ordinance is intended to correct some inconsistencies in the municipal code and to allow increased flexibility in lot sizes that as is needed to address the present-day housing crisis. The municipal code's Title 16, Subdivisions, specifies that no lot may be narrower than 50 feet. In contrast, Title 17, Zoning, contains a variety of allowed minimum lot widths, depending on the zone. For example, the Recreation Residential (RR) zone allows lots that are 40 feet wide. The Nelscott Plan District (NPD) zone allows

some that are 35 feet wide (and a proposed ordinance amendment would reduce that to 25 feet), and the Oceanlake Plan District (OPD) zone allows lots as narrow as 20 feet in some cases. These differences were created to address different goals for the different zones. By removing the Title 16 restriction, the proposed ordinance would eliminate the conflict. The other parts of LCMC 16.12.220 as well as LCMC 17.12.210 are proposed to be eliminated because they do not contain any clear and objective standards. The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended that the City Council adopt the proposed ordinance.

### **Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

### **Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

#### **Ordinance No. 2024-10**

#### **An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-10.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

#### **Ordinance No. 2024-10**

#### **An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-10.

**Attachments:**

Final\_Recommendation\_for\_ZOA\_2024-04 (PDF)

Revised Draft Ordinance No 2024-10 (DOCX)

EXHIBIT A (DOCX)

LINCOLN CITY  
PLANNING COMMISSION

IN THE MATTER OF

Amendment to: ) Final Recommendation  
Lincoln City Municipal Code ) No. 2024-04  
Title 16 )  
Sections 16.12.210 and 16.12.220 )

**NATURE OF THE APPLICATION**

ZOA 2024-04 would amend the Lincoln City Municipal Code by repealing LCMC 16.12.210 and 16.12.220.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on September 17, 2024, including the staff report, the Planning Commission recommends that the City Council adopt Ordinance No. 2024-10.

APPROVED THIS FIRST DAY OF OCTOBER, 2024.



\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair

ATTEST:



\_\_\_\_\_  
Richard Townsend  
Planning & Community Development Director

**Ordinance No. 2024-10**  
**An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions),**  
**Repealing Sections 16.12.210 and 16.12.220**

**Whereas**, the amendment to the Lincoln City Municipal Code is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit “A”; and

**Whereas**, the amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements

**Whereas**, The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment on April 1, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

**Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and considered the amendment contained within this ordinance. On October 1, 2024, the Planning Commission voted to transmit the amendment to the City Council with a recommendation that the ordinance be adopted; and

**Whereas**, the City Council conducted a public hearing on October 14, 2024 closed the hearing, closed the record, and deliberated on the proposed amendment; and

**Whereas**, all persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendment,

**The City of Lincoln City Ordains as follows:**

**Section 1:** LCMC Section 16.12.210 (*Lots- General Requirements*) is hereby deleted in its entirety as follows:

~~The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.~~

**Section 2:** LCMC Section 16.12.220 (*Minimum Lot Sizes*) is hereby deleted in its entirety as follows:

~~A. The lot sizes, in addition to conformance with LCMC Title [17](#), shall be not less than as given in the following table:~~

| Minimum Size in Feet |       |               |
|----------------------|-------|---------------|
| Type of Lot          | Width | Average Depth |

|   |                         |           |            |
|---|-------------------------|-----------|------------|
| 1 | <b>Corner lot</b>       | <b>60</b> | <b>80</b>  |
| 2 | <b>Interior lot</b>     | <b>50</b> | <b>70</b>  |
| 3 | <b>Through lot with</b> | <b>50</b> | <b>120</b> |
| 4 | <b>planting screen</b>  |           |            |

6 ~~B. In the case of irregular lots, the widths measured at a building line must be not less than 70 feet.~~

8 ~~C. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street loading and parking facilities required by the type of use and development contemplated.~~

12 **Section 3:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

15 **Section 4.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

17 **Section 5.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

19 **Section 6.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

23 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 \_\_\_\_\_ day of \_\_\_\_\_ (First Reading) and on the \_\_\_\_ day of \_\_\_\_\_ 202\_\_ (Second Reading).

26 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of \_\_\_\_\_.

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\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
David Robinson, CITY ATTORNEY

## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-10 (ZOA 2024-04)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCDC was properly made on April 1, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-10** proposes amending LCMC Title 16 Subdivisions to correct some inconsistencies in the municipal code and to allow increased flexibility in lot sizes that as is needed to address the present-day housing crisis. The municipal code's Title 16, Subdivisions, specifies that no lot may be narrower than 50 feet. In contrast, Title 17, Zoning, contains a variety of allowed minimum lot widths, depending on the zone. For example, the Recreation Residential (RR) zone allows lots that are 40 feet wide. The Nelscott Plan District (NPD) zone allows some that are 35 feet wide, and the Oceanlake Plan District (OPD) zone allows lots as narrow as 20 feet in some cases. These differences were created to address different goals for the different zones. By removing the Title 16 restriction, the proposed ordinance would eliminate the conflict. The other parts of LCMC 16.12.220 as well as LCMC 17.12.210 are proposed to be eliminated because they do not contain any clear and objective standards. The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

**17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

**1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

**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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

**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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

**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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to recreation. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic development. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment, by removing an inconsistency from the Municipal Code, would eliminate a potentially restrictive impediment to the provision of needed housing. The proposed amendment is consistent with Goal 10.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment, by removing a potentially restrictive inconsistency from the Municipal Code, fosters orderly urbanization in the city consistent with LCMC Title 17. Accordingly, Goal 14 is met.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

**Goal 2: Housing.**

- +Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*
- +Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*
- +Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

The proposed ordinance amendment, by removing an inconsistency from the Municipal Code, would eliminate a potentially restrictive impediment to the provision of needed housing. The proposed amendment is consistent with this Goal.

**Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

**Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

This amendments does not relate directly to the city's public facilities and services. This goal is not applicable.

**Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment does not relate directly to the provision of parks, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment does not relate to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

## Council Communication

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### Public Hearing Ord. 2024-11 ZOA 2024-05

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       |                  | Estimated Time:        |                        |

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#### QUESTION:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-11 relating to the Nelscott Cottage Residential Zone?

#### STAFF RECOMMENDATION:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-11 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-11.

#### AUTHORITY:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

#### BACKGROUND:

This ordinance amendment would change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. Specifically, it would:

- reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet;
- reduce the minimum allowed lot width from 35 feet to 25 feet;
- reduce the maximum allowed building height from 35 feet to 25 feet; and
- increase the maximum allowed building coverage from 35% to 80%.

The intent of these changes is to increase the flexibility of residential land use in this zone. Importantly, it would keep the required setbacks unchanged. In order to mitigate the effects of the increased density these amendments would allow the maximum

allowed building height is reduced from 35 feet to 25 feet (existing structures would be grandfathered).

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended that the City Council not adopt the proposed ordinance.

**COUNCIL OPTIONS:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**POTENTIAL MOTIONS:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-11.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-11.

**Attachments:**

Revised Ordinance No 2024-11 (DOCX)

Final\_Recommendation\_for\_ZOA\_2024-05 (PDF)

EXHIBIT A (DOCX)

ZOA 2024-05 Written Comments for Council Packet (PDF)

**Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

**Whereas**, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

**Whereas**, the amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

**Whereas**, 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 \_\_\_\_\_, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

**Whereas**, the Planning Commission, on \_\_\_\_\_, 2024, held a public hearing and considered the amendments contained within this ordinance. On \_\_\_\_\_, 2024 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and

**Whereas**, The City Council conducted a public hearing on \_\_\_\_\_ 2024, closed the hearing, closed the record, and deliberated on the proposed amendments on \_\_\_\_\_, 2024; and

**Whereas**, all persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments,

**The City of Lincoln City Ordains as follows:**

**Section 1:** Lincoln City Municipal Code Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.040 (Development Standards), Table 17.34.040-1 (Development Standards), is hereby amended to read as follows:

**17.34.040 Development Standards**

Table 17.34.040-1 – Development Standards

| Standard  | Business District  | Cottage Residential                              | Beachside Mixed Use   |
|---|--|--|---|
| <b>Minimum Lot Area* (square feet)</b><br>*Development must conform to yard setback and coverage standards<br>– Detached single-unit dwelling<br>– Attached single-unit<br>– Other structures | 3,750 sq. ft.<br>3,750 sq. ft.<br>3,750 sq. ft.  | 2,500 sq. ft.<br>Not applicable<br>2,500 sq. ft. | 3,750 sq. ft.<br>3,750 sq. ft.<br>3,750 sq. ft.                               |
| <b>Minimum Dwelling Unit Density</b>  |  |  |   |
| – Single-unit dwelling and duplex   | None   | None   | None  |
| – Multi-unit dwelling <sup>1</sup>  | Subject to Chapter <a href="#">17.20</a> LCMC  | Not applicable                                   | Subject to Chapter <a href="#">17.20</a> LCMC                                 |
| <b>Minimum Lot Width</b>  | 50 ft.   | 25 ft.   | 50 ft.  |
| <b>Minimum Lot Depth</b>  | 50 ft.   | 50 ft.   | 50 ft.  |
| <b>Maximum Building Height</b>  |  |  |   |
| - Lots 3,750 square feet or larger  | 45 ft.   | 35 ft.   | 35 ft.  |
| - Lots smaller than 3,750 square feet   | Not applicable   | 25 ft. <sup>2</sup>                              | Not applicable  |
| <b>Maximum Building Coverage</b>  |  |  |   |
| - Lots 3,750 square feet or larger  | 90%  | 35%  | 80%   |
| - Lots smaller than 3,750 square feet   | Not applicable   | 80%  | Not applicable  |
| <b>Minimum Setbacks</b>   |  |  |   |
| <b>Front, street, side, and rear property lines, except garage or carport entrances</b>   | 0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards | 5 ft.  | 10 ft.; single-unit dwellings (detached or attached) subject to NCR standards |
| <b>Garage/carport entrance setback from front and street property lines</b>   | 20 ft.   | 20 ft.   | 20 ft.  |
| <b>Building setback from alley or walkway</b>   | 5 ft.  | 5 ft.  | Not applicable  |

1. Multi-unit dwellings must meet the design standards of LCMC [17.74.130](#).

1 2. 35 feet for dwellings existing on or if development review approval was applied for  
2 before October 1, 2024.

3 **Section 2:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance,  
4 together with the Findings set forth in Exhibit A, as well as the competent substantial evidence  
5 in the whole record of this legislative proceeding are incorporated into this section by reference  
6 as if fully set forth herein, and are adopted in support of this legislative action.

7 **Section 3.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are  
8 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
9 validity of the remaining sections, subsections, paragraphs and clauses.

10 **Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
11 effect 30 days after the date of its adoption.

12 **Section 5.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln  
13 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",  
14 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-  
15 lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need  
16 not be codified and the City Recorder is authorized to correct any cross-references and any  
17 typographical errors.

18 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
19 9.2 of the City of Lincoln City Charter on the \_\_\_\_\_ day of \_\_\_\_\_ (First Reading) and  
20 on the \_\_\_\_ day of \_\_\_\_\_ 202\_\_ (Second Reading).

21 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
22 \_\_\_\_\_.

23 \_\_\_\_\_  
24 SUSAN WAHLKE, MAYOR

25 ATTEST:

26 \_\_\_\_\_  
27 JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:  
\_\_\_\_\_  
\_\_\_\_\_

1 David Robinson, CITY ATTORNEY

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LINCOLN CITY  
PLANNING COMMISSION

IN THE MATTER OF

Amendment to: ) Final Recommendation  
Lincoln City Municipal Code ) No. 2024-05  
Title 17, Section 17.34.040 )  
Table 17.34.040-1 )

**NATURE OF THE APPLICATION**

ZOA 2024-04 would amend the Lincoln City Municipal Code by amending LCMC 17.34.040 to reduce the allowed minimum lot area from 3,750 square feet to 2,500 square feet, reduce the minimum lot width from 35 feet to 25 feet, reduce the maximum allowed building height from 35 feet to 25 feet in certain cases, and increase the allowed maximum building coverage from 35% to 80% in certain cases.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on September 17, 2024, including the staff report, the Planning Commission recommends that the City Council not adopt Ordinance No. 2024-11.

APPROVED THIS FIRST DAY OF OCTOBER, 2024.



\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair

ATTEST:



\_\_\_\_\_  
Richard Townsend  
Planning & Community Development Director

## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-11 (ZOA 2024-05)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCDC was properly made on April 1, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-11** would change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. Specifically, it would:

- reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet;
- reduce the minimum allowed lot width from 35 feet to 25 feet;
- reduce the maximum allowed building height from 35 feet to 25 feet; and
- increase the maximum allowed building coverage from 35% to 80%.

The intent of these changes is to increase the flexibility of residential land use in this zone. Importantly, it would keep the required setbacks unchanged. In order to mitigate the effects of the increased density these amendments would allow the maximum allowed building height is reduced from 35 feet to 25 feet (existing structures would be grandfathered). The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

**17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

**1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

**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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

**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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

**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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to recreation. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic development. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment, by allowing increased flexibility in housing development and lower land costs through smaller lot sizes, would reduce impediments to the provision of needed housing. The proposed amendment is consistent with Goal 10.

**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 amendment does not adversely affect the provision of public facilities and services. The area that the amendments affect is already fully served and has adequate capacity. The proposed amendment is consistent with Goal 11.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. The area that the amendment affects is already fully served and has adequate capacity. The proposed amendment is consistent with Goal 12.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment, by allowing smaller lot sizes, fosters orderly urbanization and efficient use of land in the city consistent with LCMC Title 17. Accordingly, Goal 14 is met.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed

amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

### **Goal 2: Housing.**

*+Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*

*+Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*

*+Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

The proposed ordinance amendment, by allowing increased flexibility in housing development and lower land costs through smaller lot sizes, would reduce impediments to the provision of needed housing. The proposed amendment is consistent with this Goal.

### **Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. The affected area already is served by streets with adequate capacity to accommodate ant increased development that the amendment would allow. The proposed amendment is consistent with this Goal.

### **Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

The amendment is does not adversely affect the provision of public facilities and services. The area that the amendments affect is already fully served and has adequate capacity. The proposed amendment is consistent with this Goal.

### **Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment does not relate directly to the provision of parks, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment does not relate to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

**ZOA 2024-05 Nelscott Cottage Residential  
COMPILED PUBLIC COMMENTS as of 10/7/2024**

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From: Joe Calhoun <[jandlcalhoun@gmail.com](mailto:jandlcalhoun@gmail.com)>  
Sent: Friday, October 4, 2024 10:46 AM  
To: Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
Subject: ZOA 2024-05

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Townsend, this email regards the proposed zone change in the Nelscott area. I am an owner in the Nelscott area. My major concern is adding several dwellings and providing adequate parking. There is already a tremendous strain on parking in the Nelscott area. This is obviously more pronounced closer to the beach. So I would object to reduction of the lot size. Thank you, Joe Calhoun

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**From:** Valli Brunken <[valli.brunken@gmail.com](mailto:valli.brunken@gmail.com)>  
**Sent:** Monday, September 16, 2024 12:11 PM  
**To:** Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
**Cc:** Merlyn Brunken <[merlyn.brunken@gmail.com](mailto:merlyn.brunken@gmail.com)>; Valli Brunken <[valli.brunken@gmail.com](mailto:valli.brunken@gmail.com)>  
**Subject:** Letter to Lincoln City Planning Commission

To: Richard Townsend, Lincoln City Planning and Community Development  
From: Merlyn & Valli Brunken, Homeowners at 3138 SW Beach Avenue in Nelscott Cottage District (Owners since 2003)

Hello, Mr. Townsend -

We are writing to present our concerns regarding the ZOA 2024-25 Nelscott Cottage Residential proposal being reviewed by the planning commission on Tuesday, September 17, 2024.

We strongly oppose this proposal as it is *currently written*. The Nelscott Cottage Residential area was created to preserve the "cottage - like" aesthetic of the area and enhance the livability of this part of our community . It is a quaint and well maintained neighborhood with long-standing homeowners who want to see the community remain cottage-like, vibrant, healthy, and similarly livable across all areas.

The concerns specifically are:

1.) We stand by the current language that "The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated." Other than "overdevelopment" of remaining lots we do not see any valid rationale to change this requirement. By reducing the minimum lot size to 2,500 square feet (which we do not find noted in the proposal anywhere), it promotes having current open lots subdivided for the building of tiny or very narrow homes on lots that would be 50x50 or 35x70. There is also no language requiring a certain aesthetic in the architectural design of

buildings on these lots and we don't believe, contractors left to their own devices, will build in keeping with the neighborhood "vibe" (e.g. new buildings will be built to maximize ROI and not focus on the current aesthetic and livability of the neighborhood).

2.) We don't see any mention of off-street parking requirements, traffic management, or requirements of architectural design for new dwellings. These must be addressed to maintain the neighborhood. New homes MUST be required to meet the same standard current home owners or occupants are required to meet.

3.) Small homes will be more apt to be rented (even for 30 days or longer) due to reduction in cost, which is what our community sought to limit with previous and current zoning. Our neighborhood sought to reject rental traffic by creating the cottage neighborhood. This was accepted and rezoned by the City Council in recent years. This new zoning proposal seems to fly in the face of that and one has to ask "What is the long term plan for the Nelscott Cottage area going to be?"

4.) Many of the homes and the hotels in our area have enjoyed significant upgrades in the last few years and we don't want to approve anything that would denigrate the value of the properties in the neighborhood. This proposal for smaller lots would do just that for the reasons cited above.

In support:

1.) We can support the limiting of height requirement to 25 ft. which allows for 2 story homes.

2.) We would be less opposed to reduction in lot size if the Planning Commission and City Council would consider additional language in the zoning proposal such as:

- Lot sizes must remain at 2,500 Square feet at a minimum and must be at least 50 ft wide street facing
- Front of homes must be street facing , and a restriction disallowing flag lots or skinny or tiny homes
- The architectural design of each dwelling must be designed for single family use, must be in keeping with the "cottage" aesthetic and vibe of the neighborhood which would require city review and approval.
- All homes must demonstrate adequate parking off street for 2 vehicles
- Frontage of homes must have lawn or landscaping
- Any new homes must be grandfathered in to current "Nelscott Cottage" zoning thereby disallowing short term rental

In conclusion, we do not see any documentation online about why the proposal has come forward nor do we see substantial need for this new zoning and believe the compromise to those already living in the neighborhood and current property owners would outweigh the benefits of the few lots that could be involved in this proposal and requests by contractors whose agenda is not the livability of the neighborhood. It is our strong recommendation that this proposal be rejected and the livability of Nelscott be maintained under current zoning rules.

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From: Both <[misevch@gmail.com](mailto:misevch@gmail.com)>  
 Sent: Monday, September 16, 2024 9:16 AM  
 To: Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
 Subject: Nelscott Neighborhood

Dear Mr. Townsend,

We are concerned about the proposed zoning changes for the Nelscott neighborhood.

While it may limit the changes to certain properties at this time, we would expect it to be more far reaching in the future, changing forever the character of the neighborhood.

At this time we disapprove of the proposed changes.

Thank you,

Lee and Ruth Misevch  
 3332 SW Anchor

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Message submitted from the <City of Lincoln City, OR> website.

**Site Visitor Name:** Steve Griffiths  
**Site Visitor Email:** [sgoregon@gmail.com](mailto:sgoregon@gmail.com)

September 13, 2024

To: Planning Commission of Lincoln City  
 Re: Ordinance No. 2024-11 relating to Nelscott Cottage Residential Lots  
 From: Steve Griffiths, 2643 SW Dune Ave.

There are two elements of the proposed ordinance that I like: first, reducing the maximum allowed building height from 35 feet to 25 feet; and second, keeping the required setbacks unchanged.

I suggest, however, that the Planning Commission not recommend this draft ordinance for the City Council to approve until the city addresses a larger issue: what do we want our community to look like in the years ahead?

We are a tourist destination. Increasing density (via smaller lot sizes) and increasing allowed building coverage will impact the look – and appeal – of our community. Fewer gardens. Fewer trees. Fewer views of the ocean.

One sentiment that was expressed strongly in the Imagine Lincoln City process a few years ago was an appreciation for how the natural environment – our Sitka Spruce, Coastal Pine, and

Western Hemlock trees -- add to the beauty and appeal of our community.

More and more of these trees – all native to the Oregon Coast -- are falling every day to make way for more housing and more short-term rentals. The limited landscaping that goes in at these new developments usually consists of trees that are not native to the Oregon Coast, a few coastal pines being the exception.

To keep visitors and permanent residents coming to Lincoln City, we need to decide what steps to take to preserve the beauty and character of our natural environment. We should do that before we take steps to increase density and allowable building coverage.

Sincerely,

Steve Griffiths

---

**From:** richardwhite  
**Sent:** Monday, September 9, 2024 9:24 AM  
**To:** Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
**Subject:** rezoning ZOA 2024-05 amending LCMC Title 17 Chapter 17.34 Nelscott Plan Cottage Residential Subdistrict to reduce the minimum lot size requirement.

Dear Planning commission:

My husband and I live across Coast Ave. from the building sites which are now horrendously torn apart and causing no end To the horrible amount of traffic on our street. Our address is 2937 S.W. Coast Ave. We have lived here over 8 years and I cannot tell you how bad the traffic has gotten over these years! To add 11 houses and all the construction over the next Couple of years will be unbelievably harsh to all people living in this area.

Sincerely,

Diana Stava and Richard White  
 2937 S.W. Coast Ave.  
 Lincoln City, OR 97367

---

**From:** Tyler Treadway  
**Sent:** Sunday, September 8, 2024 5:16 PM  
**To:** Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
**Subject:** Zoning Ordinance Amendment 2024-05

Mr. Townsend:

I am vehemently opposed to the passage of Zoning Ordinance Amendment 2024-05 because of the dramatic and irreparable harm it would do to the Nelscott community and Lincoln City.

Reducing the minimum lot size requirement and eliminating the maximum lot allowed coverage requirement -- particularly at the lot currently in question at Southwest Coast Avenue and South 29th Street -- would:

\* Exacerbate traffic problems at an already highly used and dangerous intersection. Most of the traffic into and out of Olivia Beach passes through the intersection, as does overflow traffic to Nelscott Beach. There's a school bus stop at the northwest corner of the intersection, and city buses turn left off 29th onto Coast (in front of the proposed high-density houses) many times a day.

The addition of traffic in and out of multiple houses at the corner would turn a hot corner into a nightmare.

\* Wreak environmental havoc on the city-owned land along Baldy Creek. Packing a string of houses along the gulch that is the Baldy Creek watershed invites serious erosion problems as there will be little vegetation to hold soil. Future homeowners will keep filling in their washed-away property, but it will keep sliding into the creek and, from there, into the ocean.

And those concerns are only for the proposed development at hand. The precedent set by this horrific amendment could result in damages throughout the community as traditional single-family homes are bought up, torn down and turned into high-density residences.

This amendment is proposed under the guise of providing much-needed housing in Lincoln City, but it's really an attempt by developers to make more money at the expense of surrounding neighborhoods.

Please advise the Planning Commission and City Council to reject this proposed amendment.

Sincerely,  
John Tyler Treadway

---



---

## Comment Form

**Submission #:** 3469323

**IP Address:** 47.28.4.59

**Submission Date:** 09/08/2024 4:33

**Survey Time:** 4 minutes, 52 seconds

### Name

Diana Stava

### Subject

Meeting on September 17th, 2024 changes to building sites across from our house

### Tell Us How We Are Doing

Not at all satisfied

### Is there anything we can improve?

I would like to stop all building across from our house on coast! I know it isn't possible but to build 11 houses on that lot area is insane, to say the least! We will be at the meeting and would like anyone from our neighborhood to be able to speak. Our traffic alone should warrant fewer houses being built there also.

**Department who should respond (if known)**

City Council

**Additional comments:**

There is also a known hummingbird nesting site directly across coast ave from our house.

---

**From:** sheri walker  
**Sent:** Sunday, September 8, 2024 4:19 PM  
**To:** Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>  
**Subject:** Reject Zoning Ordinance Amendment 2024-05

Mr. Townsend:

My family pulled into the driveway of our Nelscott home for the first time 3 years ago. We had moved cross-country, literally corner-to-corner, to a coastal town that boasted, quite rightly, of being where lush landscape meets the sea.

We've since improved our home, made friends, volunteered and become members of community arts groups, hiked the county trails, paddled the waters.

But now we're looking to move.

In mid-August, we learned from a neighbor that the fully-treed, city-owned land across from us had suddenly sold and was slated for development. Apparently listed electronically one day, sold the very next day. In my many years of journalism for city, state and US Virgin Islands newspapers, I have not encountered such a sudden, quiet sale of public property. No posted "for sale" signage. No posted "change of land use" notice. When I e-mailed Alison Robertson of Urban Renewal asking about such a lack, she responded (with cc to to the buyer whom she also first-named) that "they weren't required."

The city had previously impressed us by mailing occasional notices re changes to neighborhood house use to allow short-term vacation rental. Even asking if we disagreed. We never minded.

But when the matter of suddenly selling a cherished wooded lot for what sounds for all the world like over-dense, out-of-historic-scale housing, the city has let us down.

And we very much mind that.

Sheri Walker

---

**Dear Mr. Townsend and Ms. Riner:**

|   |  |
|---|--|
| 1 | <b>Ordinance No. 2024-11</b>   |
| 2 | <b>An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending</b>  |
| 3 | <b>Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)</b> |

**Find attached our community's consensus comments regarding the above attempt to diminish Nelscott's livability.**

**Please confirm receipt of this document.**

**We look forward to attending all the requisite hearings and related efforts to alter our lifestyles and increase our taxes.**

**Nancy and Cythia /S/**

**(ATTACHMENT)**

## Nelscott Neighborhood Association (NNA)

Nancy Wyatt & Cynthia Dorrell

September 8, 2024

### NELSCOTT NEIGHBORHOOD ASSOCIATION

#### SUMMARY

- ✓ **A near-100 year (since March 5, 1926) history**
  - **Nelscott centennial in 18 months!**
- ✓ **87 housing units since formation**
  - **Lincoln City housing units 7,204 (2020:**  
[https://data.census.gov/profile/Lincoln City city, Oregon?q=160XX00US4142600](https://data.census.gov/profile/Lincoln%20City%20city,%20Oregon?q=160XX00US4142600))
- ✓ **A long and storied history of Nelscott residents**
- ✓ **Unique facts and circumstances**
  - **Constrained footprint confined by the Pacific and two narrow roads**
  - **Traffic and parking limitations weekdays; holidays, weekends maxed out**
- ✓ **Face-to-face visits with Nelscott residents indicate near-unanimous opposition**
- ✓ **The builders pushing this agenda have NOT reached out to Nelscott residents**
- ✓ **The builders pushing this agenda will NOT reside in the confines they propose**
- ✓ **Only two parties benefit from this effort:**
  - **the builder(s) and the City – Nelscott LOSES!**
  - **PERPETUAL property tax increases!**

#### Vision Statement for Nelscott

Tranquil as the creek that meanders through its warm and welcoming neighborhoods and energetic as the impressive surf generated just offshore, Nelscott embraces its past, a rich history that ensures a bright future for this eclectic community of enterprise, family residences, adventure and recreation.

Historic Nelscott believes that its future lies in the preservation of the following values:

|  |                                  |
|--|----------------------------------|
| • Respecting Heritage                    | • Enhancing Safety               |
| • Upholding Neighborliness & Tranquility | • Connecting to Nature           |
| • Reinforcing Authentic Identity and     | • Uniqueness Supporting Families |
| • Promoting Economic Development         | • Facilitating Pedestrian Realm  |

# Nelscott Neighborhood Association (NNA) Nancy Wyatt & Cynthia Dorrell September 8, 2024

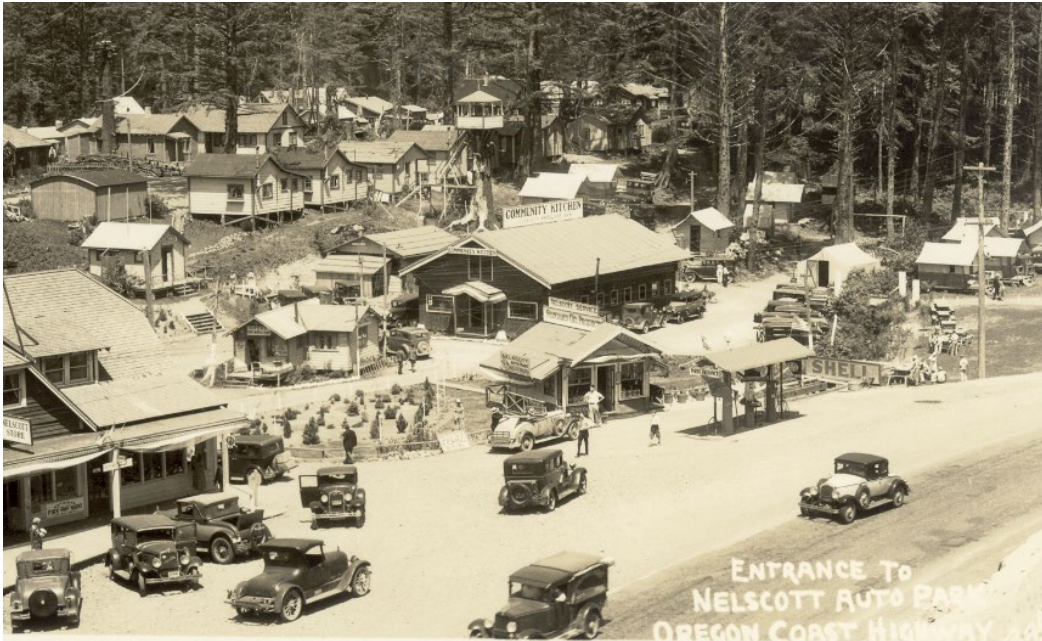
The partners divided their acreage into 87 small summer cottage lots. Most were just 50 ft. X 75 ft. The plat map for "Nelscott Beach" was then submitted for Lincoln County's approval, which was granted March 5, 1926.<sup>19</sup> The descriptive "Beach" was dropped from its name when a post office was established three years later.

Charles teamed up with Dr. W. G. Scott of Portland to purchase land and they combined their names to create the town's name, as per Earl's mother Nannie's suggestion. The Nelscott Land Company was established in 1925 and construction on cottages and businesses started shortly after. The Cushing family bought land and started a community kitchen and auto park in 1926 to form the famous Nelscott Auto Park, which is the location of the Eagles Lodge today.



Charles Nelson and Dr. Scott

**Nelscott Neighborhood Association (NNA)**  
**Nancy Wyatt & Cynthia Dorrell**  
September 8, 2024



The Cash Store (on left) and the Auto Park




The book shop was also a community gathering place

<https://northlincolncountyhistoricalmuseum.org/sign/>

# Nelscott Neighborhood Association (NNA) Nancy Wyatt & Cynthia Dorrell September 8, 2024

**NELSCOTT**  
2005 Nelscott Historic & Cultural Resource Inventory  
Historic Context Statement for Lincoln City, Oregon



Prepared By  
Steve M. Wyatt

**Introduction**

In the mid 1920s, North Lincoln County and much of the Oregon coast was transformed from an inaccessible coastline of dense forests and underbrush to a series of small communities and developments. A narrow gravel road tied the newly formed settlements together. Given the primitive state of transportation of the era, this gravel road was considered a highway, specifically the Roosevelt Military Highway. Today it is commonly known as the Oregon Coast Highway or Highway 101. Nelscott, the subject of this study, was one of thirteen highway-based developments in North Lincoln County to get its start in the 1920s.

The impact of the highway on the central Oregon coast was made all the more dramatic by the advent of affordable automobiles. Automobiles had been around for decades prior to the construction of the Oregon Coast Highway, primarily as a wealthy person's toy. The combination of a cheap car and a new road along the beautiful Oregon coast proved irresistible to inland residents. Seemingly overnight motoring tourists of all economic classes became the driving force of economic development on the Oregon coast. Prior to highway construction, settlement of North Lincoln County was confined to primarily the isolated waterfront community of Taft, accessible by boats entering the small and treacherous Siletz Bay. Taft was the only North Lincoln County community whose Euro-American settlement predates the automobile age. It was a small trading and social center for homesteaders and subsistence farmers living nearby in relative isolation on the watersheds of Schooner and Drift Creeks.

When North Lincoln County became accessible by road, there was a rush to develop new resort communities that catered specifically to the motoring public. Camp Roosevelt (later part of DeLake), Cutler City, DeLake, Depoe Bay, Devils' Lake Park (later part of Oceanlake), Gleneden Beach, Neotsu, Lincoln Beach, Raymond (later part of Oceanlake), Roads End, Roosevelt -By-The-Sea (later part of DeLake), Taft, and

2

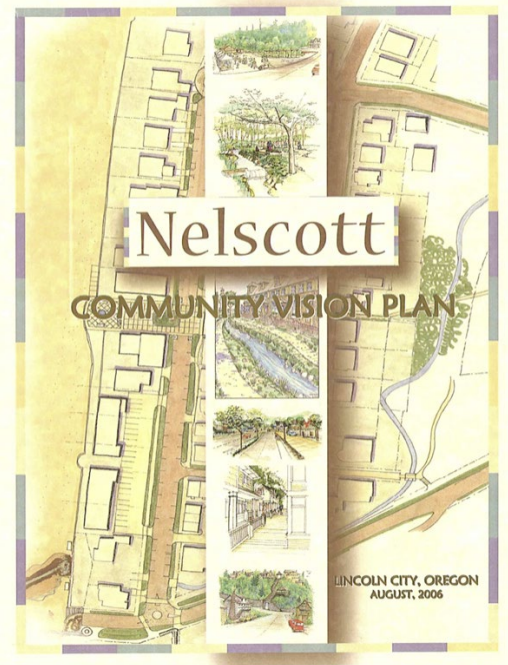
Wecoma were all competing developments within a few miles of Nelscott. All sprang up as they became accessible with highway construction in the 1920s. These developments all shared the same main street, the highway.

Nelscott was one of the smaller developments in North Lincoln County. Its developer, the Nelscott Land Company, subdivided its land into 87 small lots, suitable only for small vacation cottages. Many of its early residents were friends and relatives of its developers. Nelscott never incorporated to become a city and did not really grow much. In part, this was because its developers lacked aspirations to become a sizable metropolis. It seems they were content to establish a small friendly summer resort town. Also stunting its growth was the economic depression of the 1930s followed by World War II in the first half of the 1940s. Growth on the Oregon coast came to a virtual standstill during these periods of uncertainty.

For today's newcomers and casual visitors to Lincoln City Nelscott might be missed, as it is now a part of Lincoln City. In 1964 voters in the North Lincoln County towns of Oceanlake, DeLake, Cutler City, Taft and Nelscott voted by a margin of 190 to merge into a single city, Lincoln City. The towns and communities of North Lincoln County combined to gain the benefits of economy of scale to provide essential city services such as fire protection, sewer, and water.

[https://lincincityor.govoffice3.com/vertical/sites/%7BDDC39B4D-9F7A-4251-AEA0-F594E7F89DDB%7D/uploads/Microsoft Word - Nelscott\\_text2-small.pdf](https://lincincityor.govoffice3.com/vertical/sites/%7BDDC39B4D-9F7A-4251-AEA0-F594E7F89DDB%7D/uploads/Microsoft Word - Nelscott_text2-small.pdf)

# Nelscott Neighborhood Association (NNA) Nancy Wyatt & Cynthia Dorrell September 8, 2024



**Acknowledgements**

There is no greater power for change than a community discovering what it cares about.  
—Margaret Mead

**City Council/Urban Renewal Agency**  
Lori Hollingsworth, Mayor  
Wes Ryan, Agency Chairperson  
Rick Brisette, Ward I  
Gary Ellington, Ward III  
Doug Holbrook, Ward II  
Ed Kuntz, Ward III  
Chester Noreikis, Ward II

**Planning Commission**  
Polly Haehl, Chairperson  
Char Brown  
Randall Butts  
Tim Crenshaw  
Richard Emery  
Erick Feuerborn  
Jim Kusz

**City Staff: Technical Resource**  
David Hawker, City Manager  
Kurt Olsen, Urban Renewal Agency Director  
Maggie Vohs, Urban Renewal Event Manager  
Renee Selvidge, Urban Renewal Office Administrator  
Ron Tierney, Finance Director  
Richard Townsend, Community Department Director  
Gary Leikness, Senior Planner: Planning Department  
Dennis Dougherty, Interim Police Chief  
Lila Bradley, Public Works Director  
Stephanie Reid, City Engineer  
Ron Ploger, Parks and Recreation Director  
Michael Bishopp, GIS Coordinator  
Brian Maninger, Student Intern

**Public Agencies**  
Oregon Dept. of Land Conservation and Development  
Oregon Department of Environmental Quality  
Oregon Department of Transportation  
Oregon Division of State Lands  
Oregon Economic Development Department  
Oregon Housing and Community Services Department

**Preface**


In 1965 Nelscott, along with other area "pearls", voted to merge into a single city, Lincoln City. However, Nelscott never released their individuality and continues to hold tight to their desire for a quiet, accessible, viable and livable community.

In May 2006, the community, the Urban Renewal Agency, and urban planners from across the country came together to create a redevelopment plan that broadly addresses the fundamental transportation, land/use, public space, infrastructure and economic needs of the Nelscott district, while maintaining a high quality of life. The goal for this plan is to create a long-range vision and implementation strategy for the redevelopment and economic revitalization of the Nelscott District.

Even the very best plans, when developed by only a few individuals, are doomed to fail when it comes time for implementation. Consequently, this effort represents a shared vision of the community, state and local officials and a unique collaboration of urban planning talents. It was perhaps the first time this model for community visioning has ever been attempted, bringing together experts from across the country in urban planning, engineering, traffic, hydrology, architecture and landscape architecture working pro bono in collaboration with the community. The professional team of designers came to Nelscott for the love of the work – helping a small community find its way to the future while maintaining its abounding historical past. The Design Team strived to create a vision of Nelscott that would reflect the needs and wants of the community itself.

Nelscott residents believe their unique area and diverse population will combine to unleash the luster of the most viable "pearl" on the coast – Nelscott . . . .

. . . . Welcome Home



<https://www.lincolncity.org/home/showpublisheddocument/1128/637667903556030000>

Nelscott Neighborhood Association (NNA)  
Nancy Wyatt & Cynthia Dorrell  
September 8, 2024



**Nelscott Neighborhood Association**

<https://www.facebook.com/groups/203062310491357>

OREGON SECRETARY OF STATE  
Corporation Division

Business Xpress   business name search   oregon business guide  
license directory   business registry/renewal   forms/fees   notary public  
uniform commercial code   uniform commercial code search   documents & data services

Business Name Search

| New Search      |             | Printer Friendly                  |              | Business Entity Data |                   |              | 09-09-2024 10:30 |  |
|-----------------|-------------|-----------------------------------|--------------|----------------------|-------------------|--------------|------------------|--|
| Registry Nbr    | Entity Type | Entity Status                     | Jurisdiction | Registry Date        | Next Renewal Date | Renewal Due? |                  |  |
| 268293-82       | DNP         | ACT                               | OREGON       | 11-01-1991           | 11-01-2024        |              |                  |  |
| Entity Name     |             | NELSCOTT NEIGHBORHOOD ASSOCIATION |              |                      |                   |              |                  |  |
| Foreign Name    |             |                                   |              |                      |                   |              |                  |  |
| Non Profit Type |             | MUTUAL BENEFIT WITH MEMBERS       |              |                      |                   |              |                  |  |

[https://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.show\\_det!?p\\_be\\_rsn=468598&p\\_srce=BR\\_INQ&p\\_print=FALSE](https://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det!?p_be_rsn=468598&p_srce=BR_INQ&p_print=FALSE)

**Nelscott Neighborhood Association (NNA)**  
**Nancy Wyatt & Cynthia Dorrell**  
 September 8, 2024

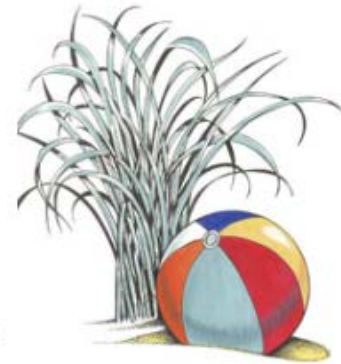
## Nelscott District

Print Share & Bookmark Font Size + -

Located south of the D River, Nelscott is the fourth district in Lincoln City's String of (six) Pearls, from north to south.

Excerpt from [History of Nelscott District](#)

"In the mid 1920s, North Lincoln County and much of the Oregon coast was transformed from an inaccessible coastline of dense forests and underbrush to a series of small communities and developments. A narrow gravel road tied the newly formed settlements together. Given the primitive state of transportation of the era, this gravel road was considered a highway, specifically the Roosevelt Military Highway.



Today it is commonly known as the Oregon Coast Highway or Highway 101. Nelscott, the subject of this study, was one of thirteen highway-based developments in North Lincoln County to get its start in the 1920s. The impact of the highway on the central Oregon coast was made all the more dramatic by the advent of affordable automobiles. Automobiles had been around for decades prior to the construction of the Oregon Coast Highway, primarily as a wealthy person's toy. The combination of a cheap car and a new road along the beautiful

Oregon coast proved irresistible to inland residents. Seemingly overnight motoring tourists of all economic classes became the driving force of economic development on the Oregon coast. Prior to highway construction, settlement of North Lincoln County was confined to primarily the isolated waterfront community of Taft, accessible by boats entering the small and treacherous Siletz Bay. Taft was the only North Lincoln

County community whose Euro-American settlement predates the automobile age. It was a small trading and social center for homesteaders and subsistence farmers living nearby in relative isolation on the watersheds of Schooner and Drift Creeks.

When North Lincoln County became accessible by road, there was a rush to develop new resort communities that catered specifically to the motoring public. Camp Roosevelt (later part of DeLake), Cutler City, DeLake, Depoe Bay, Devils' Lake Park (later part of Oceanlake), Gleneden Beach, Neotsu, Lincoln Beach, Raymond (later part of Oceanlake), Roads End, Roosevelt -By-The-Sea (later part of DeLake), Taft, and Wecoma were all competing developments within a few miles of Nelscott. All sprang up as they became accessible with highway construction in the 1920s. These developments all shared the same main street, the highway. Nelscott was one of the smaller developments in North Lincoln County."

<https://www.lincolncity.org/visitors/about-lincoln-city/nelscott-district>

**Nelscott Neighborhood Association (NNA)**  
**Nancy Wyatt & Cynthia Dorrell**  
 September 8, 2024

**17.34.020 Nelscott plan district subdistricts.**

The NP district consists of three subdistricts as shown on the Zoning Map in Exhibit A attached to the ordinance codified in this chapter.

B. Nelscott Cottage Residential (NCR). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott residential areas located west of Highway 101. The emphasis in this subdistrict is on preserving and protecting the traditional cottage heritage in a family-friendly, pedestrian-oriented environment.

**Table 17.34.040-1 – Development Standards**

| Standard   | Business District  | Cottage Residential | Beachside Mixed Use   |
|--|--|---------------------|---|
| <b>Minimum Lot Area* (square feet)</b><br>*Development must conform to lot width, depth, yard setback and coverage standards |  |                     |   |
| – Detached single-unit dwelling  | 3,750 sq. ft.  | 3,750 sq. ft.       | 3,750 sq. ft.   |
| – Attached single-unit   | 3,750 sq. ft.  | Not applicable      | 3,750 sq. ft.   |
| – Other structures   | 3,750 sq. ft.  | 3,750 sq. ft.       | 3,750 sq. ft.   |
| <b>Minimum Dwelling Unit Density</b>   |  |                     |   |
| – Single-unit dwelling and duplex  | None   | None                | None  |
| – Multi-unit dwelling <sup>1</sup>   | Subject to Chapter <a href="#">17.20</a> LCMC  | Not applicable      | Subject to Chapter <a href="#">17.20</a> LCMC                                 |
| <b>Minimum Lot Width</b>   | 50 ft.   | 35 ft.              | 50 ft.  |
| <b>Minimum Lot Depth</b>   | 50 ft.   | 50 ft.              | 50 ft.  |
| <b>Maximum Building Height</b>   | 45 ft.   | 35 ft.              | 35 ft.  |
| <b>Maximum Building Coverage</b>   | 90%  | 35% <sup>2</sup>    | 80%   |
| <b>Minimum Setbacks</b>  |  |                     |   |
| <b>Front, street, side, and rear property lines, except garage or carport entrances</b>                                      | 0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards | 5 ft.               | 10 ft.; single-unit dwellings (detached or attached) subject to NCR standards |
| <b>Garage/carport entrance setback from front and street property lines</b>  | 20 ft.   | 20 ft.              | 20 ft.  |
| <b>Building setback from alley or walkway</b>  | 5 ft.  | 5 ft.               | Not applicable  |

[Chapter 17.34 NELSCOTT PLAN \(NP\) DISTRICT \(codepublishing.com\)](#)

## Nelscott Neighborhood Association (NNA)

Nancy Wyatt & Cynthia Dorrell

September 8, 2024

### POSITION

It is the position of the NNA ( Nelscott Neighborhood Association) that the proposed changes in zoning are **not** in keeping with the **near-100-year history** of this area. Currently the lot size is 3,750 sq. feet. It is our position that there is **no reason to increase the density and traffic flow** of our neighborhood.

- This proposed change will affect not only the current residences but **will set a precedence of change** that will affect the future of Nelscott.
- This proposed rezoning not only changes the lot size but even more importantly blanket-changes maximum buildable space which affects **the density of this neighborhood**.
- The question is **do we continue to be a cottage/residential** neighborhood or are we going to be another area of dense housing? There is no clear reason **other than that of one or two** builders who now want to change the zoning to serve **their self-interests**.
- **Increased density is not a selling point** for future investors in this area. **This area is known as a cottage area**; the current zoning is adequate for this area. Those who wish to add living space to their property can apply for a permit to build an ADU<sup>1</sup>.
- Currently based on the current zoning, the now empty lots can build 4 homes and 3 homes. With new zoning they can build 6 and 5. What is the purpose of this other than to provide more **homes to sell and add to the already steady stream of traffic and limited parking**.

---

<sup>1</sup> <https://www.buildinganadu.com/what-is-an-adu>.

## Nelscott Neighborhood Association (NNA)

Nancy Wyatt & Cynthia Dorrell

September 8, 2024

- Coast Ave is the emergency street used by both fire and police when 101 is not viable. Adding more density to this area is not making this area safer for the residents or for the emergency responders. **Why are we going to impact our services when we do not need to?**
- The existing plan allows for building, it allows for ADU's to supplement housing. We do not need change; what is not broken.
- **Traffic flow is already congested** – particularly during weekends and holidays. Increasing congestion with more, smaller lots will exacerbate the conditions and **make our residents and visitors less safe.**
- The developers who **exploit** Nelscott for **their one-time benefit** disregard the permanent impact on residents and visitors.
- **The Nelscott Neighborhood Association does not support a change in zoning that affects not only the residents and visitors of today but the future of Nelscott.**

end

Richard A. Roth  
 12976 S.E. Ridgcrest Rd.  
 Happy Valley, OR 97086

Lincoln City address  
 3303 SW Anchor  
 Unit 2  
 Lincoln City 97367

Sept 11, 2024

Planning Commission:  
 Re: ZOA-2024-05

To reduce the minimum lot size  
 in Nelseott and call it cottage residential  
 is completely ridiculous and  
 irresponsible.

I call it irresponsible because the  
 City of Lincoln City cannot even provide  
 the necessary parking for existing  
 residences.

Sandra J Roth  
 Richard A Roth

**Doug and Connie Wheldon**  
**By the Waves, Inc**  
3303 SW Anchor Avenue  
Lincoln City, OR 97367

Phone: 503-560-5359 (Doug)

9.15.2024

Re: Nelscott lot size restriction change - Ordinance No. 2024-11

To Lincoln City Planning Commission and to Whom Else it May Concern,

I am writing to weigh in on the proposed downsizing of the lots from 3,750 sq. ft. to approximately 2,500 sq. ft.. Anybody who doesn't have a double-car garage in Nelscott (most of the properties) knows that we have a parking/congestion problem. Generally, on any sunny day, our few parking spaces are filled. Every space is of the utmost importance for livability. This is the case not only for myself, but for every other property owner in this 'NBNU' zone.

We've been here since 1998 and our small business that we live in is almost 100 years old. We do not want the historical character of our neighborhood to be destroyed by a 'San Fransico style' development process that crams large numbers of people into a small area.

I am a retired General Contractor. Where I lived before, lot sizes were mainly 5,000 sq ft. So, in my opinion, 3,750 lot sizes are already small enough. I believe the properties being discussed are in a different zone, 'NCR'. It seems that what's not being considered is that what happens in one zone, definitely impacts the surrounding areas. Not only will our street be negatively impacted on SW 33<sup>rd</sup> and 35<sup>th</sup> beach accesses, but the beach access at Canyon Park will also become more congested. By the Waves, Inc, is opposed to this perspective change. Everyone we have talked to feels the same. Let's do this right!!

We will see you at the meeting on Tuesday.

Thank you for your consideration.

Doug and Connie Wheldon

# Council Communication

---

## Public Hearing Ord. 2024-12 ZOA 2024-07

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       |                  | Estimated Time:        |                        |

---

### QUESTION:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-12 relating to building coverage?

### STAFF RECOMMENDATION:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-12 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-12.

### AUTHORITY:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

### BACKGROUND:

Title 17 sets limits on the amount of a lot that may be covered by buildings. For example, in the R1 zone the maximum allowed building coverage is 35%. This means that on a 5,000 square foot lot, buildings are allowed to cover up to 1,750 square feet of the lot. Presently whether an uncovered deck, porch, or exterior stairs is counted as a part of allowed building coverage is dependent on its height, not on its construction. Uncovered decks, porches, and stairs 30 inches or less above the ground do not count toward building coverage, but those over 30 inches above ground do. Those partly more than 30 inches above ground count partly.

This amendment would eliminate the 30 inch distinction. Instead a construction standard is proposed. If a deck, porch, or stair is constructed of planks no more than 6 inches wide with spaces of at least one-quarter inch between them that drains directly to the ground, which is a typical construction form, it would not count toward building coverage.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended adoption of the proposed ordinance.

**COUNCIL OPTIONS:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**POTENTIAL MOTIONS:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-12**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.08 (Definitions), to Amend the Definition of "Building Coverage"**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-12.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-12**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.08 (Definitions), to Amend the Definition of "Building Coverage"**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-12.

**Attachments:**

Draft Ordinance 2024-12 (DOCX)

EXHIBIT A to ordinance (DOCX)

Exhibit B to ordinance (DOCX)

Final\_Recommendation\_for\_ZOA\_2024-07 (PDF)

1 **Ordinance No. 2024-12**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending**  
 3 **Chapter 17.08 (Definitions), to Amend the Definition of “Building Coverage”**

4 **Whereas**, the amendments to the Lincoln City Municipal Code are in conformance with the  
 5 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached  
 6 Exhibit “A”; and

7 **Whereas**, the amendments are in conformance with the Zoning Ordinance, including, but not  
 8 limited to, required initiation, processing and noticing requirements; and

9 **Whereas**, the City duly notified the Oregon Department of Land Conservation and  
 10 Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on  
 11 August 9, 2024; City staff determined that the amendment does not remove uses from any  
 12 zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

13 **Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and  
 14 considered the amendments contained within this ordinance. On October 1, 2024 the Planning  
 15 Commission voted to transmit the amendments to the City Council with a recommendation  
 16 that the ordinance be adopted; and

17 **Whereas**, The City Council conducted a public hearing on October 14, 2024, closed the hearing,  
 18 closed the record, and deliberated on the proposed amendments on October 14, 2024; and

19 **Whereas**, all persons were given an opportunity to provide written and/or oral testimony on  
 20 the proposed ordinance amendments,

21 **The City of Lincoln City Ordains as follows:**

22 **Section 1:** Lincoln City Municipal Code Chapter 17.08 (Definitions) is hereby amended as shown  
 23 in Exhibit B to amend the definition of “Building coverage” to read as follows:

24 “Building coverage” means the percentage of the total lot or parcel covered by the footprint of  
 25 all primary and accessory structures and buildings, including decks, balconies, porches, and  
 26 stairs. Uncovered decks, porches, or stairs are not included in the determination of building  
 27 coverage provided the surface of the deck, balcony, porch, or stairs consists of planks no wider  
 than six inches with spaces at least ¼ inch wide between the planks that are open directly to  
 the ground beneath them.

**Section 2:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance,  
 together with the Findings set forth in Exhibit A, as well as the competent substantial evidence  
 in the whole record of this legislative proceeding are incorporated into this section by reference  
 as if fully set forth herein, and are adopted in support of this legislative action.

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

4 **Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
5 effect 30 days after the date of its adoption.

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

12 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
13 9.2 of the City of Lincoln City Charter on the \_\_\_\_\_ day of \_\_\_\_\_ 2024 (First Reading)  
14 and on the \_\_\_\_ day of \_\_\_\_\_ 2024 (Second Reading).

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
16 \_\_\_\_\_.

17 \_\_\_\_\_  
18 SUSAN WAHLKE, MAYOR

19 ATTEST:

20 \_\_\_\_\_  
21 JAMIE YOUNG, CITY RECORDER

22 APPROVED AS TO FORM:

23 \_\_\_\_\_  
24 David Robinson, CITY ATTORNEY

## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-12 (ZOA 2024-07)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on August 9, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-12** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by amending the definition of “building coverage” to remove a distinction treating uncovered decks, stairs, and porches differently depending on their height from the ground.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

##### **17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

- 1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**
- 2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

#### **Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

### **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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

### **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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

### **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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to the recreational needs of Lincoln City's residents or visitors. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic opportunities. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment would not affect the provision of housing. Goal 10 is not applicable.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

**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.

### **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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

### **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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

### **Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

### **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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

## **B. Comprehensive Plan Goals**

### **Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

### **Goal 2: Housing.**

- +Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*
- +Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*
- +Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

These amendments do not relate directly to the housing. This goal is not applicable.

**Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

**Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

These amendments do not relate directly to the city's public facilities and services. This goal is not applicable.

**Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

These amendments do not relate directly to the city's park, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

These amendments do not relate directly to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

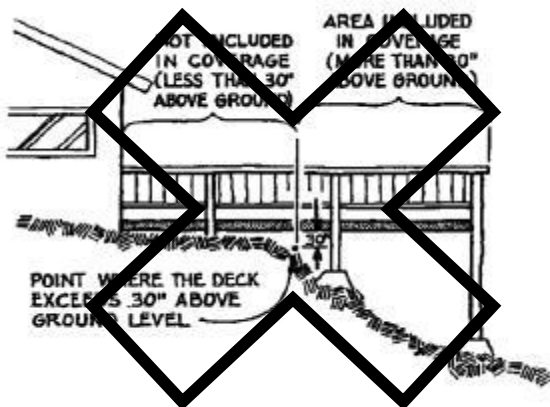
The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

## Exhibit B

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

### LCMC Chapter 17.08

"Building coverage" means the percentage of the total lot or parcel covered by the footprint of all primary and accessory structures and buildings, including decks, balconies, porches, and stairs. Uncovered decks, porches, or stairs ~~that are 30 inches or less from the ground~~ are not included in the determination of building coverage **provided the surface of the deck, balcony, porch, or stairs consists of planks no wider than six inches with spaces at least ¼ inch wide between the planks that are open directly to the ground beneath them.**



LINCOLN CITY  
PLANNING COMMISSION

IN THE MATTER OF

Amendment to: ) Final Recommendation  
Lincoln City Municipal Code ) No. 2024-06  
Title 17, Section 17.08 )  
Definition of "Building coverage" )

**NATURE OF THE APPLICATION**

ZOA 2024-06 would amend the Lincoln City Municipal Code Section LCMC 17.08 by amending the definition of "Building coverage" to exclude counting certain decks, porches, and stairs in building coverage limits.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on September 17, 2024, including the staff report, the Planning Commission recommends that the City Council adopt Ordinance No. 2024-12.

APPROVED THIS FIRST DAY OF OCTOBER, 2024.



\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair

ATTEST:



\_\_\_\_\_  
Richard Townsend  
Planning & Community Development Director

# Council Communication

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## Public Hearing Ord. 2024-13 ZOA 2024-08

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       |                  | Estimated Time:        |                        |

---

### QUESTION:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-13 relating to indoor recreation facilities?

### STAFF RECOMMENDATION:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-13 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-13.

### AUTHORITY:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

### BACKGROUND:

In 2023 the City Council adopted a new Comprehensive Plan after an extensive public involvement process. The plan addresses several areas including "Citizen Involvement," "Housing & Transportation," "Infrastructure," "Environment," and "Land Use Planning." Some of these focus areas are broken down further into sub-areas. The "Infrastructure" area is broken down into "Public Facilities & Services," "Parks, Recreation & Open Space," and "Economic Development." Each of these subjects in turn has a list of "Policies/Objectives." Under "Parks, Recreation & Open Space" one of these is "Designate indoor family entertainment venues as an outright allowed use in the city's commercial zones."

This ordinance would implement that objective. It first provides a definition of “Indoor commercial recreation establishments” that focuses on family-type activities. Then it amends the lists of allowed uses in each of the city’s commercial zones to specifically allow them as permitted uses.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended adoption of the proposed ordinance.

**COUNCIL OPTIONS:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**POTENTIAL MOTIONS:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-13**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use”**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-13.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-13**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted), LCMC Chapter 17.34 (Nelscott**

**Plan (NP) District), Section 17.34.030 (Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-13.

**Attachments:**

Final\_Recommendation\_for\_ZOA\_2024-08 (PDF)

Draft Ordinance 2024-13 (DOCX)

EXHIBIT A for draft ordinance (DOCX)

LINCOLN CITY  
PLANNING COMMISSION

IN THE MATTER OF

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| Amendment to:                        | ) |                      |
| Lincoln City Municipal Code Title 17 | ) | Final Recommendation |
| To Add “Indoor Commercial Recreation | ) | No. 2024-07          |
| Facility” as a Permitted Use         | ) |                      |
| Sections 16.12.210 and 16.12.220     | ) |                      |

**NATURE OF THE APPLICATION**

ZOA 2024-08 would amend the Lincoln City Municipal Code Title 17 (Zoning), Chapter 17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on September 17, 2024, including the staff report, the Planning Commission recommends that the City Council adopt Ordinance No. 2024-13.

APPROVED THIS FIRST DAY OF OCTOBER, 2024.



\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair







ATTEST:



\_\_\_\_\_  
Richard Townsend  
Planning & Community Development Director

|                         |  |
|-------------------------|--|
| Title                   | Final Recommendation for ZOA 2024-08     |
| File name               | ZOA_2024-08_Final_Recommendation.pdf     |
| Document ID             | ce41c856a20b090affe6e7dafeede0e83fa6866f |
| Audit trail date format | MM / DD / YYYY                           |
| Status                  | ● Signed                                 |

## Document History

|  |                                       |   |
|--|---------------------------------------|---|
| <br>SENT        | <b>10 / 04 / 2024</b><br>23:23:33 UTC | Sent for signature to Richard Townsend (rtownsend@lincolncity.org) and Kim Blackerby (kblackerby@lincolncity.org) from ariner@lincolncity.org<br>IP: 206.192.237.34 |
| <br>VIEWED      | <b>10 / 06 / 2024</b><br>02:08:59 UTC | Viewed by Kim Blackerby (kblackerby@lincolncity.org)<br>IP: 66.190.242.133  |
| <br>SIGNED    | <b>10 / 06 / 2024</b><br>02:09:33 UTC | Signed by Kim Blackerby (kblackerby@lincolncity.org)<br>IP: 66.190.242.133  |
| <br>VIEWED    | <b>10 / 07 / 2024</b><br>16:12:46 UTC | Viewed by Richard Townsend (rtownsend@lincolncity.org)<br>IP: 206.192.237.34  |
| <br>SIGNED    | <b>10 / 07 / 2024</b><br>16:12:59 UTC | Signed by Richard Townsend (rtownsend@lincolncity.org)<br>IP: 206.192.237.34  |
| <br>COMPLETED | <b>10 / 07 / 2024</b><br>16:12:59 UTC | The document has been completed.  |

1 **Ordinance No. 2024-13**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter**  
 3 **17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020**  
 4 **(Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020**  
 5 **(Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030**  
 6 **(Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020**  
 7 **(Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030**  
 8 **(Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use**

9 **Whereas**, the amendment to the Lincoln City Municipal Code is in conformance with the  
 10 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached  
 11 Exhibit “A”; and

12 **Whereas**, the amendment is in conformance with the Zoning Ordinance, including, but not  
 13 limited to, required initiation, processing and noticing requirements

14 **Whereas**, The City duly notified the Oregon Department of Land Conservation and  
 15 Development pursuant to ORS 197.610, of its consideration of the proposed amendment on  
 16 August 9, 2024; City staff determined that the amendment does not remove uses from any  
 17 zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

18 **Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and  
 19 considered the amendment contained within this ordinance. On October 1, 2024, the Planning  
 20 Commission voted to transmit the amendment to the City Council with a recommendation that  
 21 the ordinance be adopted; and

22 **Whereas**, the City Council conducted a public hearing on October 14, 2024 closed the hearing,  
 23 closed the record, and deliberated on the proposed amendment; and

24 **Whereas**, all persons were given an opportunity to provide written and/or oral testimony on  
 25 the proposed ordinance amendment,

26 **The City of Lincoln City Ordains as follows:**

27 **Section 1:** LCMC Chapter 17.08 (Definitions) is hereby amended to add the following definition:

“Indoor commercial recreation facility” means an establishment providing recreational  
 activities predominantly indoors. Examples of this use include movie theaters, music venues,  
 bowling alleys, batting cages, indoor skating facilities, amusement arcades, pool and billiard  
 halls, indoor shooting and archery ranges, laser tag arena, trampoline park, water park, tennis  
 and similar courts, recreational crafting activities, and similar establishments where the  
 predominant recreation or entertainment activity takes place inside a building. Consumption of  
 food and beverages may occur but is not the primary activity. This use does not include  
 restaurants or public entertainment venues such as night clubs and cabarets.

**Section 2.** LCMC Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted) is hereby amended to add an additional allowed use as follows:

Z. Indoor commercial recreation establishments

**Section 3.** LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted) is hereby amended to add an additional allowed use as follows:

UU. Indoor commercial recreation establishments

**Section 4.** LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), Table 17.34.030-1 is hereby amended to add an additional use under “Commercial Categories”

|   |   |   |   |
|---|---|---|---|
| Indoor commercial recreation establishments | P | N | N |
|---|---|---|---|

**Section 5.** LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), Table 17.45.020-1 is hereby amended by replacing the existing part “E. Entertainment/Recreation Establishments” with a new “E. Entertainment/Recreation Establishments” to read as follows:

|  |   |
|--|---|
| <b>E. Entertainment/Recreation Establishments</b>  |   |
| Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include: auditoriums, theaters, museums. |   |
| 1. High impact indoor establishments such as auditoriums, convention centers   | C |
| 2. Indoor commercial recreation establishments   | P |
| 3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)   | C |

**Section 6.** LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses), Table 17.50.030-1 is hereby amended to add an additional use under “Commercial Categories”

|   |   |   |   |
|---|---|---|---|
| Indoor commercial recreation establishments | P | N | N |
|---|---|---|---|

**Section 7:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

1 **Section 8.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are  
2 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
3 validity of the remaining sections, subsections, paragraphs and clauses.

4 **Section 9.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
5 effect 30 days after the date of its adoption.

6 **Section 10.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln  
7 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",  
8 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-  
9 lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need  
10 not be codified and the City Recorder is authorized to correct any cross-references and any  
11 typographical errors.

12 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
13 9.2 of the City of Lincoln City Charter on the \_\_\_\_\_ day of \_\_\_\_\_ 2024 (First Reading)  
14 and on the \_\_\_\_ day of \_\_\_\_\_ 2024 (Second Reading).

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
16 \_\_\_\_\_ 2024.

17 \_\_\_\_\_  
18 SUSAN WAHLKE, MAYOR

19 ATTEST:

20 \_\_\_\_\_  
21 JAMIE YOUNG, CITY RECORDER

22 APPROVED AS TO FORM:

23 \_\_\_\_\_  
24 David Robinson, CITY ATTORNEY

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## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-13 (ZOA 2024-08)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on August 9, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-13** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by providing a definition of "Indoor commercial recreation establishments" that focuses on family-type activities and amending the lists of allowed uses in each of the city's commercial zones to specifically allow them as permitted uses. This ordinance would implement the Comprehensive Plan's "Infrastructure" objective found under "Parks, Recreation & Open Space" to "Designate indoor family entertainment venues as an outright allowed use in the city's commercial zones."

#### **Applicable Criteria:**

LCMC 17.77.130 provides in relevant part:

##### **17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

- 1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**
- 2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

## A. Statewide Planning Goals

**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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

**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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

**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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City. Given the city's frequently rainy weather, this could broaden the means for satisfying residents' and visitors' recreational needs. The amendment is 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 proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City, and accordingly make the city more attractive to visitors in the rainy season, which traditionally has been slow economically. This would support economic development. The amendment is consistent with Goal 9.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment would not affect the provision of housing. Goal 10 is not applicable.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

**Goal 2: Housing.**

- +Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.
- +Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.
- +Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.

These amendments do not relate directly to the housing. This goal is not applicable.

### **Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

### **Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

These amendments do not relate directly to the city's public facilities and services. This goal is not applicable.

### **Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment allows the siting of recreational facilities beyond those already allowed in the Park and Open Space and other zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City. Given the city's frequently rainy weather, this could

broaden the means for satisfying residents' and visitors' recreational needs. The amendment is consistent with this Goal.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City, and accordingly make the city more attractive to visitors in the rainy season, which traditionally has been slow economically. This would support economic development. The amendment is consistent with Goal.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

# Council Communication

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## Ord 2024-10 ZOA 2024-04

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 10 mins                |

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### Question:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-10 relating to required minimum lot sizes?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-10 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-10.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

### Background:

This ordinance is intended to correct some inconsistencies in the municipal code and to allow increased flexibility in lot sizes that as is needed to address the present-day housing crisis. The municipal code's Title 16, Subdivisions, specifies that no lot may be narrower than 50 feet. In contrast, Title 17, Zoning, contains a variety of allowed minimum lot widths, depending on the zone. For example, the Recreation Residential (RR) zone allows lots that are 40 feet wide. The Nelscott Plan District (NPD) zone allows

some that are 35 feet wide (and a proposed ordinance amendment would reduce that to 25 feet), and the Oceanlake Plan District (OPD) zone allows lots as narrow as 20 feet in some cases. These differences were created to address different goals for the different zones. By removing the Title 16 restriction, the proposed ordinance would eliminate the conflict. The other parts of LCMC 16.12.220 as well as LCMC 17.12.210 are proposed to be eliminated because they do not contain any clear and objective standards. The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended that the City Council adopt the proposed ordinance.

### **Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

### **Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

#### **Ordinance No. 2024-10**

#### **An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-10.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

#### **Ordinance No. 2024-10**

#### **An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-10.

**Attachments:**

Revised Draft Ordinance No 2024-10 (DOCX)

EXHIBIT A (DOCX)

**Ordinance No. 2024-10**  
**An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions),**  
**Repealing Sections 16.12.210 and 16.12.220**

**Whereas**, the amendment to the Lincoln City Municipal Code is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

**Whereas**, the amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements

**Whereas**, The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment on April 1, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

**Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and considered the amendment contained within this ordinance. On October 1, 2024, the Planning Commission voted to transmit the amendment to the City Council with a recommendation that the ordinance be adopted; and

**Whereas**, the City Council conducted a public hearing on October 14, 2024 closed the hearing, closed the record, and deliberated on the proposed amendment; and

**Whereas**, all persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendment,

**The City of Lincoln City Ordains as follows:**

**Section 1:** LCMC Section 16.12.210 (*Lots- General Requirements*) is hereby deleted in its entirety as follows:

~~The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.~~

**Section 2:** LCMC Section 16.12.220 (*Minimum Lot Sizes*) is hereby deleted in its entirety as follows:

~~A. The lot sizes, in addition to conformance with LCMC Title [17](#), shall be not less than as given in the following table:~~

| Type of Lot | Minimum Size in Feet |               |
|-------------|----------------------|---------------|
|             | Width                | Average Depth |

|   |                         |           |            |
|---|-------------------------|-----------|------------|
| 1 | <b>Corner lot</b>       | <b>60</b> | <b>80</b>  |
| 2 | <b>Interior lot</b>     | <b>50</b> | <b>70</b>  |
| 3 | <b>Through lot with</b> | <b>50</b> | <b>120</b> |
| 4 | <b>planting screen</b>  |           |            |

6 ~~B. In the case of irregular lots, the widths measured at a building line must be not less than 70~~  
7 ~~feet.~~

8 ~~C. Where property is zoned and planned for business or industrial use, other widths and areas~~  
9 ~~may be permitted at the discretion of the planning commission. Depth and width of~~  
10 ~~properties reserved or laid out for commercial and industrial purposes shall be adequate to~~  
11 ~~provide for the off street loading and parking facilities required by the type of use and~~  
12 ~~development contemplated.~~

12 **Section 3:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance as  
13 well as the competent substantial evidence in the whole record of this legislative proceeding  
14 are incorporated into this section by reference as if fully set forth herein, and are adopted in  
15 support of this legislative action.

15 **Section 4.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are  
16 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
17 validity of the remaining sections, subsections, paragraphs and clauses.

17 **Section 5.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
18 effect 30 days after the date of its adoption.

19 **Section 6.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln  
20 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",  
21 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-  
22 lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need  
23 not be codified and the City Recorder is authorized to correct any cross-references and any  
24 typographical errors.

23 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
24 9.2 of the City of Lincoln City Charter on the \_\_\_\_ day of \_\_\_\_\_ (First Reading) and  
25 on the \_\_\_\_ day of \_\_\_\_\_ 202\_\_ (Second Reading).

25 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
26 \_\_\_\_\_.

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\_\_\_\_\_  
Susan Wahlke, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Young, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
David Robinson, City Attorney

## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-10 (ZOA 2024-04)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on April 1, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-10** proposes amending LCMC Title 16 Subdivisions to correct some inconsistencies in the municipal code and to allow increased flexibility in lot sizes that as is needed to address the present-day housing crisis. The municipal code's Title 16, Subdivisions, specifies that no lot may be narrower than 50 feet. In contrast, Title 17, Zoning, contains a variety of allowed minimum lot widths, depending on the zone. For example, the Recreation Residential (RR) zone allows lots that are 40 feet wide. The Nelscott Plan District (NPD) zone allows some that are 35 feet wide, and the Oceanlake Plan District (OPD) zone allows lots as narrow as 20 feet in some cases. These differences were created to address different goals for the different zones. By removing the Title 16 restriction, the proposed ordinance would eliminate the conflict. The other parts of LCMC 16.12.220 as well as LCMC 17.12.210 are proposed to be eliminated because they do not contain any clear and objective standards. The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

**17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

**1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

**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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

**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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

**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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to recreation. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic development. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment, by removing an inconsistency from the Municipal Code, would eliminate a potentially restrictive impediment to the provision of needed housing. The proposed amendment is consistent with Goal 10.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment, by removing a potentially restrictive inconsistency from the Municipal Code, fosters orderly urbanization in the city consistent with LCMC Title 17. Accordingly, Goal 14 is met.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

**Goal 2: Housing.**

*+Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*

*+Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*

*+Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

The proposed ordinance amendment, by removing an inconsistency from the Municipal Code, would eliminate a potentially restrictive impediment to the provision of needed housing. The proposed amendment is consistent with this Goal.

**Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

**Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

This amendments does not relate directly to the city's public facilities and services. This goal is not applicable.

**Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment does not relate directly to the provision of parks, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment does not relate to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

# Council Communication

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## Ord 2024-11 ZOA 2024-05

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 30 mins                |

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### Question:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-11 relating to the Nelscott Cottage Residential Zone?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-11 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-11.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

### Background:

This ordinance amendment would change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. Specifically, it would:

- reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet;
- reduce the minimum allowed lot width from 35 feet to 25 feet;
- reduce the maximum allowed building height from 35 feet to 25 feet; and

- increase the maximum allowed building coverage from 35% to 80%.

The intent of these changes is to increase the flexibility of residential land use in this zone. Importantly, it would keep the required setbacks unchanged. In order to mitigate the effects of the increased density these amendments would allow the maximum allowed building height is reduced from 35 feet to 25 feet (existing structures would be grandfathered).

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended that the City Council not adopt the proposed ordinance.

### **Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

### **Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

#### **Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-11.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

#### **Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-11.

### **Attachments:**

Revised Ordinance No 2024-11 (DOCX)  
EXHIBIT A (DOCX)

**Ordinance No. 2024-11**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.34 (Nelscott Plan (NP) District), Amending Section 17.34.040 (Development Standards), Amending Table 17.34.040-1 (Development Standards)**

**Whereas**, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

**Whereas**, the amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

**Whereas**, 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 \_\_\_\_\_, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

**Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and considered the amendments contained within this ordinance. On October 1, 2024 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and

**Whereas**, The City Council conducted a public hearing on \_\_\_\_\_ 2024, closed the hearing, closed the record, and deliberated on the proposed amendments on \_\_\_\_\_, 2024; and

**Whereas**, all persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments,

**The City of Lincoln City Ordains as follows:**

**Section 1:** Lincoln City Municipal Code Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.040 (Development Standards), Table 17.34.040-1 (Development Standards), is hereby amended to read as follows:

**17.34.040 Development Standards**

Table 17.34.040-1 – Development Standards

| Standard  | Business District  | Cottage Residential                              | Beachside Mixed Use   |
|---|--|--|---|
| <b>Minimum Lot Area* (square feet)</b><br>*Development must conform to yard setback and coverage standards<br>– Detached single-unit dwelling<br>– Attached single-unit<br>– Other structures | 3,750 sq. ft.<br>3,750 sq. ft.<br>3,750 sq. ft.  | 2,500 sq. ft.<br>Not applicable<br>2,500 sq. ft. | 3,750 sq. ft.<br>3,750 sq. ft.<br>3,750 sq. ft.                               |
| <b>Minimum Dwelling Unit Density</b>  |  |  |   |
| – Single-unit dwelling and duplex   | None   | None   | None  |
| – Multi-unit dwelling <sup>1</sup>  | Subject to Chapter <a href="#">17.20</a> LCMC  | Not applicable                                   | Subject to Chapter <a href="#">17.20</a> LCMC                                 |
| <b>Minimum Lot Width</b>  | 50 ft.   | 25 ft.   | 50 ft.  |
| <b>Minimum Lot Depth</b>  | 50 ft.   | 50 ft.   | 50 ft.  |
| <b>Maximum Building Height</b>  |  |  |   |
| - Lots 3,750 square feet or larger  | 45 ft.   | 35 ft.   | 35 ft.  |
| - Lots smaller than 3,750 square feet   | Not applicable   | 25 ft. <sup>2</sup>                              | Not applicable  |
| <b>Maximum Building Coverage</b>  |  |  |   |
| - Lots 3,750 square feet or larger  | 90%  | 35%  | 80%   |
| - Lots smaller than 3,750 square feet   | Not applicable   | 80%  | Not applicable  |
| <b>Minimum Setbacks</b>   |  |  |   |
| <b>Front, street, side, and rear property lines, except garage or carport entrances</b>   | 0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards | 5 ft.  | 10 ft.; single-unit dwellings (detached or attached) subject to NCR standards |
| <b>Garage/carport entrance setback from front and street property lines</b>   | 20 ft.   | 20 ft.   | 20 ft.  |
| <b>Building setback from alley or walkway</b>   | 5 ft.  | 5 ft.  | Not applicable  |

1. Multi-unit dwellings must meet the design standards of LCMC [17.74.130](#).

2. 35 feet for dwellings existing on or if development review approval was applied for before October 1, 2024.

**Section 2:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

**Section 3.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

**Section 5.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

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 \_\_\_\_\_ day of \_\_\_\_\_ (First Reading) and on the \_\_\_\_ day of \_\_\_\_\_ 202\_\_ (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_

1 David Robinson, CITY ATTORNEY

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## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-11 (ZOA 2024-05)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCDC was properly made on April 1, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-11** would change some of the standards relating to lots and dwellings in the Nelscott Cottage Residential district. Specifically, it would:

- reduce the minimum allowed lot size from 3,750 square feet to 2,500 square feet;
- reduce the minimum allowed lot width from 35 feet to 25 feet;
- reduce the maximum allowed building height from 35 feet to 25 feet; and
- increase the maximum allowed building coverage from 35% to 80%.

The intent of these changes is to increase the flexibility of residential land use in this zone. Importantly, it would keep the required setbacks unchanged. In order to mitigate the effects of the increased density these amendments would allow the maximum allowed building height is reduced from 35 feet to 25 feet (existing structures would be grandfathered). The proposed ordinance also is a step toward meeting the City Council's expressed desire to eliminate lot size requirements.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

**17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

- 1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

**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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

**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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

**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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to recreation. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic development. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment, by allowing increased flexibility in housing development and lower land costs through smaller lot sizes, would reduce impediments to the provision of needed housing. The proposed amendment is consistent with Goal 10.

**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 amendment does not adversely affect the provision of public facilities and services. The area that the amendments affect is already fully served and has adequate capacity. The proposed amendment is consistent with Goal 11.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. The area that the amendment affects is already fully served and has adequate capacity. The proposed amendment is consistent with Goal 12.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment, by allowing smaller lot sizes, fosters orderly urbanization and efficient use of land in the city consistent with LCMC Title 17. Accordingly, Goal 14 is met.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed

amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

### **Goal 2: Housing.**

*+Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*

*+Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*

*+Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

The proposed ordinance amendment, by allowing increased flexibility in housing development and lower land costs through smaller lot sizes, would reduce impediments to the provision of needed housing. The proposed amendment is consistent with this Goal.

### **Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. The affected area already is served by streets with adequate capacity to accommodate ant increased development that the amendment would allow. The proposed amendment is consistent with this Goal.

### **Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

The amendment is does not adversely affect the provision of public facilities and services. The area that the amendments affect is already fully served and has adequate capacity. The proposed amendment is consistent with this Goal.

### **Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment does not relate directly to the provision of parks, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment does not relate to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

# Council Communication

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## Ord 2024-12 ZOA 2024-07

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        |                        |

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### Question:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-12 relating to building coverage?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-12 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-12.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance

### Background:

Title 17 sets limits on the amount of a lot that may be covered by buildings. For example, in the R1 zone the maximum allowed building coverage is 35%. This means that on a 5,000 square foot lot, buildings are allowed to cover up to 1,750 square feet of the lot. Presently whether an uncovered deck, porch, or exterior stairs is counted as a part of allowed building coverage is dependent on its height, not on its construction. Uncovered decks, porches, and stairs 30 inches or less above the ground do not count

toward building coverage, but those over 30 inches above ground do. Those partly more than 30 inches above ground count partly.

This amendment would eliminate the 30 inch distinction. Instead a construction standard is proposed. If a deck, porch, or stair is constructed of planks no more than 6 inches wide with spaces of at least one-quarter inch between them that drains directly to the ground, which is a typical construction form, it would not count toward building coverage.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended adoption of the proposed ordinance.

**Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-12**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.08 (Definitions), to Amend the Definition of "Building Coverage"**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-12.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-12**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending Chapter 17.08 (Definitions), to Amend the Definition of "Building Coverage"**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-12.

**Attachments:**

Ord. 2024-12 ZOA 2024-07(DOCX)

EXHIBIT A to ordinance (DOCX)

Exhibit B to ordinance (DOCX)

1 **Ordinance No. 2024-12**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending**  
 3 **Chapter 17.08 (Definitions), to Amend the Definition of “Building Coverage”**

4 **Whereas**, the amendments to the Lincoln City Municipal Code are in conformance with the  
 5 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached  
 6 Exhibit “A”; and

7 **Whereas**, the amendments are in conformance with the Zoning Ordinance, including, but not  
 8 limited to, required initiation, processing and noticing requirements; and

9 **Whereas**, the City duly notified the Oregon Department of Land Conservation and  
 10 Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on  
 11 August 9, 2024; City staff determined that the amendment does not remove uses from any  
 12 zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

13 **Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and  
 14 considered the amendments contained within this ordinance. On October 1, 2024 the Planning  
 15 Commission voted to transmit the amendments to the City Council with a recommendation  
 16 that the ordinance be adopted; and

17 **Whereas**, The City Council conducted a public hearing on October 14, 2024, closed the hearing,  
 18 closed the record, and deliberated on the proposed amendments on October 14, 2024; and

19 **Whereas**, all persons were given an opportunity to provide written and/or oral testimony on  
 20 the proposed ordinance amendments,

21 **The City of Lincoln City Ordains as follows:**

22 **Section 1:** Lincoln City Municipal Code Chapter 17.08 (Definitions) is hereby amended as shown  
 23 in Exhibit B to amend the definition of “Building coverage” to read as follows:

24 “Building coverage” means the percentage of the total lot or parcel covered by the footprint of  
 25 all primary and accessory structures and buildings, including decks, balconies, porches, and  
 26 stairs. Uncovered decks, porches, or stairs are not included in the determination of building  
 27 coverage provided the surface of the deck, balcony, porch, or stairs consists of planks no wider  
 than six inches with spaces at least ¼ inch wide between the planks that are open directly to  
 the ground beneath them.

**Section 2:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance,  
 together with the Findings set forth in Exhibit A, as well as the competent substantial evidence  
 in the whole record of this legislative proceeding are incorporated into this section by reference  
 as if fully set forth herein, and are adopted in support of this legislative action.

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

4 **Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
5 effect 30 days after the date of its adoption.

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

12 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
13 9.2 of the City of Lincoln City Charter on the \_\_\_\_\_ day of \_\_\_\_\_ 2024 (First Reading)  
14 and on the \_\_\_\_ day of \_\_\_\_\_ 2024 (Second Reading).

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of  
16 \_\_\_\_\_.

17 \_\_\_\_\_  
18 SUSAN WAHLKE, MAYOR

19 ATTEST:

20 \_\_\_\_\_  
21 JAMIE YOUNG, CITY RECORDER

22 APPROVED AS TO FORM:

23 \_\_\_\_\_  
24 David Robinson, CITY ATTORNEY  
25  
26  
27

## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-06 (ZOA 2024-07)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on August 9, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-06** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by amending the definition of “building coverage” to remove a distinction treating uncovered decks, stairs, and porches differently depending on their height from the ground.

#### **Applicable Criteria:**

**LCMC 17.77.130 provides in relevant part:**

**17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

- 1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**
- 2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

#### **Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

### **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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

### **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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

### **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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment does not relate to the recreational needs of Lincoln City's residents or visitors. Goal 8 is not applicable.

**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 proposed ordinance amendment does not relate to economic opportunities. Goal 9 is not applicable.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment would not affect the provision of housing. Goal 10 is not applicable.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

**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.

### **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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

### **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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

### **Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

### **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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

## **B. Comprehensive Plan Goals**

### **Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

### **Goal 2: Housing.**

*+Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*

*+Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*

*+Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

These amendments do not relate directly to the housing. This goal is not applicable.

**Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

**Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

These amendments do not relate directly to the city's public facilities and services. This goal is not applicable.

**Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

These amendments do not relate directly to the city's park, recreation, and open space. This Goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

These amendments do not relate directly to economic development. This Goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

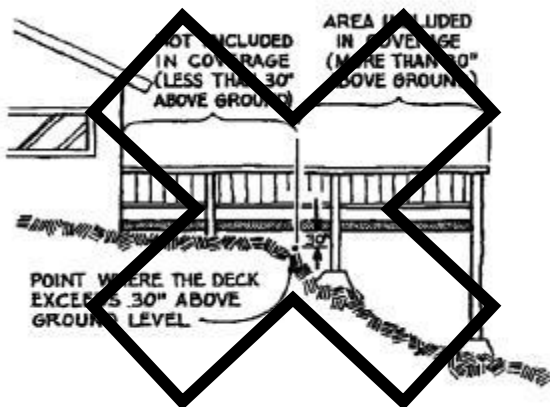
The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

## Exhibit B

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

### LCMC Chapter 17.08

"Building coverage" means the percentage of the total lot or parcel covered by the footprint of all primary and accessory structures and buildings, including decks, balconies, porches, and stairs. Uncovered decks, porches, or stairs ~~that are 30 inches or less from the ground~~ are not included in the determination of building coverage **provided the surface of the deck, balcony, porch, or stairs consists of planks no wider than six inches with spaces at least ¼ inch wide between the planks that are open directly to the ground beneath them.**



# Council Communication

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## Ord 2024-13 ZOA 2024-08

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Andrea Riner           |
| Department:     | City Council     | E-Mail:                | ARiner@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 10 MINS                |

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### Question:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-13 relating to indoor recreation facilities?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-13 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-13.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

### Background:

In 2023 the City Council adopted a new Comprehensive Plan after an extensive public involvement process. The plan addresses several areas including "Citizen Involvement," "Housing & Transportation," "Infrastructure," "Environment," and "Land Use Planning." Some of these focus areas are broken down further into sub-areas. The "Infrastructure" area is broken down into "Public Facilities & Services," "Parks, Recreation & Open Space," and "Economic Development." Each of these subjects in turn has a list of

"Policies/Objectives." Under "Parks, Recreation & Open Space" one of these is "Designate indoor family entertainment venues as an outright allowed use in the city's commercial zones."

This ordinance would implement that objective. It first provides a definition of "Indoor commercial recreation establishments" that focuses on family-type activities. Then it amends the lists of allowed uses in each of the city's commercial zones to specifically allow them as permitted uses.

On September 17<sup>th</sup> the Planning Commission held a public hearing on the matter and recommended adoption of the proposed ordinance.

**Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-13**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses) to Add "Indoor Commercial Recreation Facility" as a Permitted Use"**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-13.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-13**

**An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-13.

**Attachments:**

Ordinance 2024-13 ZOA 2024-08 (DOCX)  
EXHIBIT A for draft ordinance (DOCX)

1 **Ordinance No. 2024-13**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Chapter**  
 3 **17.08 (Definitions), Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020**  
 4 **(Uses Permitted), LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020**  
 5 **(Uses Permitted), LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030**  
 6 **(Permitted Uses), LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020**  
 7 **(Permitted Uses), and LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030**  
 8 **(Permitted Uses) to Add “Indoor Commercial Recreation Facility” as a Permitted Use**

9 **Whereas**, the amendment to the Lincoln City Municipal Code is in conformance with the  
 10 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached  
 11 Exhibit “A”; and

12 **Whereas**, the amendment is in conformance with the Zoning Ordinance, including, but not  
 13 limited to, required initiation, processing and noticing requirements

14 **Whereas**, The City duly notified the Oregon Department of Land Conservation and  
 15 Development pursuant to ORS 197.610, of its consideration of the proposed amendment on  
 16 August 9, 2024; City staff determined that the amendment does not remove uses from any  
 17 zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

18 **Whereas**, the Planning Commission, on September 17, 2024, held a public hearing and  
 19 considered the amendment contained within this ordinance. On October 1, 2024, the Planning  
 20 Commission voted to transmit the amendment to the City Council with a recommendation that  
 21 the ordinance be adopted; and

22 **Whereas**, the City Council conducted a public hearing on October 14, 2024 closed the hearing,  
 23 closed the record, and deliberated on the proposed amendment; and

24 **Whereas**, all persons were given an opportunity to provide written and/or oral testimony on  
 25 the proposed ordinance amendment,

26 **The City of Lincoln City Ordains as follows:**

27 **Section 1:** LCMC Chapter 17.08 (Definitions) is hereby amended to add the following definition:

“Indoor commercial recreation facility” means an establishment providing recreational  
 activities predominantly indoors. Examples of this use include movie theaters, music venues,  
 bowling alleys, batting cages, indoor skating facilities, amusement arcades, pool and billiard  
 halls, indoor shooting and archery ranges, laser tag arena, trampoline park, water park, tennis  
 and similar courts, recreational crafting activities, and similar establishments where the  
 predominant recreation or entertainment activity takes place inside a building. Consumption of  
 food and beverages may occur but is not the primary activity. This use does not include  
 restaurants or public entertainment venues such as night clubs and cabarets.

**Section 2.** LCMC Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.020 (Uses Permitted) is hereby amended to add an additional allowed use as follows:

Z. Indoor commercial recreation establishments

**Section 3.** LCMC Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted) is hereby amended to add an additional allowed use as follows:

UU. Indoor commercial recreation establishments

**Section 4.** LCMC Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses), Table 17.34.030-1 is hereby amended to add an additional use under “Commercial Categories”

|   |   |   |   |
|---|---|---|---|
| Indoor commercial recreation establishments | P | N | N |
|---|---|---|---|

**Section 5.** LCMC Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses), Table 17.45.020-1 is hereby amended by replacing the existing part “E. Entertainment/Recreation Establishments” with a new “E. Entertainment/Recreation Establishments” to read as follows:

|  |   |
|--|---|
| <b>E. Entertainment/Recreation Establishments</b>  |   |
| Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include: auditoriums, theaters, museums. |   |
| 1. High impact indoor establishments such as auditoriums, convention centers   | C |
| 2. Indoor commercial recreation establishments   | P |
| 3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)   | C |

**Section 6.** LCMC Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses), Table 17.50.030-1 is hereby amended to add an additional use under “Commercial Categories”

|   |   |   |   |
|---|---|---|---|
| Indoor commercial recreation establishments | P | N | N |
|---|---|---|---|

**Section 7:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

**Section 8.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**Section 9.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

**Section 10.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

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 \_\_\_\_\_ day of \_\_\_\_\_ 2024 (First Reading) and on the \_\_\_\_ day of \_\_\_\_\_ 2024 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
David Robinson, CITY ATTORNEY

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## EXHIBIT A

### FINDINGS FOR ORDINANCE 2024-13 (ZOA 2024-08)

#### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on August 9, 2024. Notice for the public hearings before the Planning Commission on September 17, 2024, and the City Council on October 14, 2024, was published in the local newspaper on September 4, 2024, and September 11, 2024.

#### **Summary:**

**Ordinance 2024-13** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by providing a definition of "Indoor commercial recreation establishments" that focuses on family-type activities and amending the lists of allowed uses in each of the city's commercial zones to specifically allow them as permitted uses. This ordinance would implement the Comprehensive Plan's "Infrastructure" objective found under "Parks, Recreation & Open Space" to "Designate indoor family entertainment venues as an outright allowed use in the city's commercial zones."

#### **Applicable Criteria:**

LCMC 17.77.130 provides in relevant part:

##### **17.77.130 Text amendment.**

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

- 1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**
- 2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

## **Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

### A. Statewide Planning Goals

#### **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 the amendment were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

#### **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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

#### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently 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.

#### **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 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.

**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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

**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 proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City. Given the city's frequently rainy weather, this could broaden the means for satisfying residents' and visitors' recreational needs. The amendment is 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 proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City, and accordingly make the city more attractive to visitors in the rainy season, which traditionally has been slow economically. This would support economic development. The amendment is consistent with Goal 9.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The proposed ordinance amendment would not affect the provision of housing. Goal 10 is not applicable.

**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 amendment is does not relate to the provision of public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

**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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

**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.

**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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

**Goal 18: Beaches and 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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

**B. Comprehensive Plan Goals**

**Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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 residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

**Goal 2: Housing.**

- +Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*
- +Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*
- +Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

These amendments do not relate directly to the housing. This goal is not applicable.

### **Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

### **Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

These amendments do not relate directly to the city's public facilities and services. This goal is not applicable.

### **Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

The proposed ordinance amendment allows the siting of recreational facilities beyond those already allowed in the Park and Open Space and other zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City. Given the city's frequently rainy weather, this could

broaden the means for satisfying residents' and visitors' recreational needs. The amendment is consistent with this Goal.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

The proposed ordinance amendment specifically allows indoor recreation facilities in all commercial zones. This has the potential to result in enhanced recreational opportunities in Lincoln City, and accordingly make the city more attractive to visitors in the rainy season, which traditionally has been slow economically. This would support economic development. The amendment is consistent with Goal.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

This amendment does not relate directly to the city's significant natural, scenic, and historic resources and does not, by itself, authorize any development in such areas. To the extent that facilities authorized by this amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

This amendment does not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. It does not, by itself, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

This amendment does not relate to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

The adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

## Ord 2024-15 adding sign requirements re: fireworks to STRs

Meeting Date: October 14, 2024

Primary Staff Contact: David James Robinson

Department: City Attorney

E-Mail: drobinson@lincolncity.org

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**Question:** Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2024-15, an ordinance requiring that STR owners post fireworks ban signs inside the STR?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024- 15 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2024-15.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

ORS 480.160 allows local regulation of fireworks. LCMC 8.06.040 bans most fireworks within the territorial limits of Lincoln City. LCMC 5.14 regulates Vacation Rental Dwellings and imposes signage requirements.

### Background:

The request for additional signage came from discussion by City Council during open session. The purpose of the signage about the fireworks ban was intended to publicize the ban to vacationers who might not be aware that fireworks are banned throughout the city. The signs should be clear and concise, showing which fireworks are banned. It is intended that the signage will help out-of-town vacationers stay in compliance with the law and improve public safety.

**Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-15**

**An Ordinance Amending the City of Lincoln City Municipal Code § 5.14.060 B. (4)(d) to add signage requirements to Short Term Rentals and amending Ordinances 2014-30 § 1 and Ord. 2014-07 § 2**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-15.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-15**

**An Ordinance Amending the City of Lincoln City Municipal Code § 5.14.060 B. (4)(d) to add signage requirements to Short Term Rentals and amending Ordinances 2014-30 § 1 and Ord. 2014-07 § 2**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-15.

1 **Ordinance No. 2024-15**

2 **An Ordinance Amending the City of Lincoln City Municipal Code § 5.14.060 B. (4)(d) to**  
 3 **add signage requirements to Short Term Rentals and amending Ordinances 2014-30 § 1**  
 4 **and Ord. 2014-07 § 2**

5 WHEREAS, the City of Lincoln City is obligated to protect the health, safety, and welfare of its  
 6 inhabitants; and

7 WHEREAS, the City regulates short term residential uses; and

8 WHEREAS, the City desires to improve the safety at short term rentals for occupants and the  
 9 surrounding community, as well as improving and the quality of service for emergency  
 responders.

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

11 **Section 1:** Chapter 5.14.060 B(4)(d) (Mandatory Postings) is hereby amended as follows:

12 ix. Vacation rental dwellings shall have posted the most current city laws implementing  
 13 fireworks ban. The sign shall be a minimum size of 8.5 inches by 11 inches. The sign shall be  
 14 affixed to a wall within the interior of the dwelling adjacent to the main entrance in a clearly  
 visible location at an approximate height of five to six feet from the floor.

15 x. Any required information and conditions specific to the license.

16 **Section 2:** Recitals/Findings Adopted. The recitals/findings contained in the Whereas Clauses of  
 17 this ordinance, together with Exhibit 1, as well as the competent substantial evidence in the  
 18 whole record of this legislative proceeding are incorporated into this section by reference as if  
 fully set forth herein, and are adopted in support of this legislative action.

19 **Section 3.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are  
 20 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
 21 validity of the remaining sections, subsections, paragraphs and clauses.

22 **Section 4:** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes  
 effect 30 days after the date of its adoption.

23 **Section 5:** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln  
 24 City Municipal Code and the word “ordinance” may be changed to “code”, “article”, “section”,  
 25 “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered,  
 26 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be  
 codified and the City Recorder is authorized to correct any cross-references and any  
 27 typographical errors.  
 28

1 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
2 9.2 of the City of Lincoln City Charter on the 14<sup>th</sup> day of October, 2024 (First Reading) and on  
3 the 14<sup>th</sup> day of October, 2024 (Second Reading).

4 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of  
5 October 2024.

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Susan Wahlke, Mayor

Attest:

\_\_\_\_\_  
Jamie Young, City Recorder

Approved as to form:

\_\_\_\_\_  
David Robinson, City Attorney

### Exhibit 1

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

d. Mandatory Postings. The vacation rental dwelling license issued by the city shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the license will contain the following information:

- i. A number or other identifying mark unique to the vacation rental dwelling license which indicates the license is issued by the city of Lincoln City, with the date of expiration;
- ii. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
- iii. The telephone number and website address of the city of Lincoln City and the Lincoln City police department;
- iv. The number of approved parking spaces outside the garage and the maximum number of vehicles permitted on the property;
- v. The maximum occupancy permitted for the vacation rental dwelling;
- vi. Any prohibited occupancy, such as sleeping rooms not available for use due to parking or egress limitations;
- vii. The solid waste collection day and requirement to place all garbage in approved containers;
- viii. Required Lincoln City quiet hours pursuant to the noise ordinance (Chapter [9.10](#) LCMC) between 9:00 p.m. and 7:00 a.m.; ~~and~~

**ix. Vacation rental dwellings shall have posted the most current city laws implementing fireworks ban. The sign shall be a minimum size of 8.5 inches by 11 inches. The sign shall be affixed to a wall within the interior of the dwelling adjacent to the main entrance in a clearly visible location at an approximate height of five to six feet from the floor; and**

~~ix.~~ x. Any required information and conditions specific to the license.

## Ord 2024-16 amending farmers market ratio

Meeting Date: October 14, 2024

Primary Staff Contact: David James Robinson

Department: City Attorney

E-Mail: drobinson@lincolncity.org

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**Question:** Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2024-16, an ordinance amending the ratio of farmers and processed food purveyors at farmers markets?

### Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-16 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2024-16.

### Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

### Background:

The current code section about Farmers Markets requires a 50:50 ratio, where half of the vendors must sell fresh or processed foods and nursery stock. The measurement is taken in gross at the end of the market season. This request comes from the Lincoln City Farmers Market. Due to changes in farmers availability at the beginning and end of the growing season and general lack of farmers available and willing to vend at the Lincoln City Farmers Market, they were having difficulty predicting whether they would be able to meet the 50% requirement. As such they have had to turn down applications from craft vendors and predict a relatively unpredictable future about whether it would have enough vendors of fresh or processed foods by the end of the season to comply with the code. This problem is not unique to Lincoln City. Other markets have had difficulty

getting a season-long commitment from farmers. Some schedule that simply fail to show up on market day.

The Lincoln City Farmers Market is committed to providing fresh produce and foods and not becoming principally a crafters market. They believe that changing the ratio to 25% vendors of fresh or processed foods and nursery stock will help them stay in conformance with the code and to continue delivering outstanding farmers market experience.

Staff researched other city ordinances for comparable code provisions as did the Lincoln City Farmers Market staff. We found no ordinance that applies a ratio like the one in Lincoln City. The closest approximate was that Cannon Beach requires that only vendors of fresh foods and flowers are allowed at farmers markets.

**Council Options:**

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

**Potential Motions:**

*City Attorney:* [Conduct First Reading of Ordinance by Title only]

**Ordinance No. 2024-16**

**An Ordinance Amending the City of Lincoln City Municipal Code, § 5.04.030 C(3) and amending ordinances 2019-19 § 1; Ord. 2014-18 § 1; Ord. 2006-05 § 2; Ord. 2005-11 § 2**

*Council:*

1. Motion to approve First Reading of Ordinance 2024-16.

*If unanimous: Conduct Second Reading*

*City Attorney:* [Conduct Second Reading of Ordinance by Title only]

**Ordinance No. 2024-16**

**An Ordinance Amending the City of Lincoln City Municipal Code, § 5.04.030 C(3)  
and amending ordinances 2019-19 § 1; Ord. 2014-18 § 1; Ord. 2006-05 § 2; Ord.  
2005-11 § 2**

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2024-16.

1 **Ordinance No. 2024-16**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, § 5.04.030 C(3) and**  
 3 **amending ordinances 2019-19 § 1; Ord. 2014-18 § 1; Ord. 2006-05 § 2; Ord. 2005-11 § 2**

4 WHEREAS, the City of Lincoln City is obligated to protect the health, safety, and welfare of its  
 5 inhabitants; and

6 WHEREAS, the City regulates businesses operating in Lincoln City, including Farmers Markets;  
 7 and

8 WHEREAS, the City is responsive to the changing needs of its artisans and market organizers  
 9 and mindful of its duty to communicate clearly the purpose and scope of business activities in the  
 10 city

11 **The City of Lincoln City Ordains as follows:**

12 **Section 1:** Chapter 5.04.030 C (3) (Farmers' Markets) is hereby amended as follows:

13 3. A farmers' market may include vendors of art and handicrafts made in Oregon, and from no  
 14 further than 100 miles from the corporate limits of Lincoln City, but at least twenty-five percent  
 15 (25%) of the vendors in the market must be vendors principally selling fresh or processed foods  
 16 and nursery stock. The required 25:75 mix of food/nursery stock vendors and crafters shall be  
 17 calculated over the term of the market season. Market membership records shall be available for  
 18 inspection by the city upon request.

19 **Section 2: Recitals/Findings Adopted.** The recitals contained in the Whereas Clauses of this  
 20 ordinance, together with Exhibit 1, as well as the competent substantial evidence in the whole  
 21 record of this legislative proceeding are incorporated into this section by reference as if fully set  
 22 forth herein, and are adopted in support of this legislative action.

23 **Section 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are  
 24 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
 25 validity of the remaining sections, subsections, paragraphs and clauses.

26 **Section 4. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance takes  
 27 effect 30 days after the date of its adoption.

28 **Section 5. Codification.** Provisions of this Ordinance shall be incorporated in the City of Lincoln  
 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",  
 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered,  
 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be  
 codified and the City Recorder is authorized to correct any cross-references and any  
 typographical errors.

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 14<sup>th</sup> day of October 2024 (First Reading) and on  
 the 14<sup>th</sup> day of October 2024 (Second Reading).

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PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of October 2024.

\_\_\_\_\_  
Susan Wahlke, Mayor

Attest:

\_\_\_\_\_  
Jamie Young, City Recorder

Approved as to form:

\_\_\_\_\_  
David Robinson, City Attorney

**Exhibit 1**

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

3. A farmers' market may include vendors of art and handicrafts made in Oregon, and from no further than 100 miles from the corporate limits of Lincoln City, but at least **twenty-five percent (25%)** ~~half~~ of the vendors in the market must be vendors principally selling fresh or processed foods and nursery stock. The required **25:75** ~~50:50~~ mix of food/nursery stock vendors and crafters shall be calculated over the term of the market season. Market membership records shall be available for inspection by the city upon request.

## Council Communication

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### **Res 2024-28: Pacific Power easement - Schooner Creek Discovery Park**

|                 |                  |                        |                           |
|-----------------|------------------|------------------------|---------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | David James Robinson      |
| Department:     | City Council     | E-Mail:                | drobinson@lincolncity.org |
| Secondary Dept: | Public Works     | Secondary Contacts:    | Jeanne Sprague            |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 10 minutes                |

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### **Staff report under public hearing**

#### **Attachments:**

Res. 2024-28 Easement to Pac. Power-Schooner Creek Discovery Park (DOCX)  
Ex.. 1. Pacific Power Right of Way easement. (PDF)

**Resolution No. 2024-28**  
**A Resolution of the City of Lincoln City Granting and Underground Easement for  
 Electrical Utility Lines and Equipment to Service City Facilities**

**Recitals**

- A. The City of Lincoln City is the legal owner of the Subject Property with improvements located at Schooner Creek Discovery Park with Lots 8, 9, 10, 11, 12 and the South 42.1feet of Lot 13 and the North 22.4feet of Lot 7, Block 5, FIRST ADDITION TO TAFT, in Lincoln County, Oregon. Assessor's Map No.: 07-11-27-DD Parcel No.: 03500-0.
- B. Pacific Power (an assumed business name of Pacificorp, Inc.) and City desire to install underground electric facilities to service the City's future community park on the subject property and Pacific Power requires an easement for such purposes.
- C. On Oct. 14, 2024, the Lincoln City City Council, in the Council Chambers at 801SW Highway 101, Lincoln City, Oregon conducted an advertised public hearing on the proposed conveyance of an easement interest in the subject property pursuant to ORS 221.725 and ORS 271.310.
- D. The advertised purpose of the conveyance, and the reason the City Council finds it necessary or convenient to convey the property, to Pacific Power is the City's desire to provide safe and efficient provision of electrical service to the City's new park property.
- E. The nature of the conveyance of an easement interest was duly advertised as a conveyance to PacifiCorp of an easement interest five feet wide and 50 feet in length, generally perpendicular to S.E. Keel Ave. (Exhibit 1)
- F. The Oct 14, 2024 City Council public hearing and Resolution staff reports are incorporated herein by this reference. All evidence of market value of this strip of land is deemed low value and was fully disclosed and entered into the record at the public hearing on Oct 14, 2024.
- G. City is paying for cost of installation.
- H. Pursuant to ORS 221.725, any resident of the City was provided with an opportunity to present oral or written testimony on the subject of the sale ("conveyance") to the City Council at the public hearing.
- I. After hearing the staff report, public input, and due deliberation, Council made the findings set forth herein and directed the conveyance of the easement interest in City real property with the conditions identified in the staff report and this Resolution.

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.**

The Council finds and determines that the relevant statutory criteria for disposition of City real property are found in or referenced in ORS Chapter 271 (specifically ORS 271.310) as well as ORS 221.725.

**ORS 271.310. Transfer or lease of real property owned or controlled by political subdivision; Procedure in case of qualified title.**

1  
2 (1) Except as provided in subsection (2) of this section and subject to subsection (3) of this  
3 section, whenever any political subdivision possesses or controls real property not needed  
4 for public use, or whenever the public interest may be furthered, a political subdivision  
5 may sell, exchange, convey or lease for any period not exceeding 99 years all or any part  
6 of the political subdivision's interest in the property to a governmental body or private  
7 individual or corporation. The consideration for the transfer or lease may be cash or real  
8 property, or both.

9 \*\*\*

10 (4) Unless the governing body of a political subdivision determines under subsection (1)  
11 of this section that the public interest may be furthered, real property needed for public  
12 use by any political subdivision owning or controlling the property may not be sold,  
13 exchanged, conveyed or leased under the authority of ORS 271.300 (Application and  
14 administration of ORS 271.300 to 271.360) to 271.360 (Lease requirements), except that  
15 it may be exchanged for property that is of equal or superior useful value for public use.  
16 Any such property not immediately needed for public use may be leased if, in the  
17 discretion of the governing body having control of the property, the property will not be  
18 needed for public use within the period of the lease.

19 **221.725 Sale of city real property; publication of notice; public hearing.**

20 (1) Except as provided in ORS 221.727 (Alternative procedure for sale of city-owned real  
21 property) and 221.729 (Sale of city-owned real property to develop affordable housing),  
22 when a city council considers it necessary or convenient to sell real property or any  
23 interest therein, the city council shall publish a notice of the proposed sale in a newspaper  
24 of general circulation in the city, and shall hold a public hearing concerning the sale prior  
25 to the sale.

26 (2) The notice required by subsection (1) of this section shall be published at least once  
27 during the week prior to the public hearing required under this section. The notice shall  
28 state the time and place of the public hearing, a description of the property or interest to  
be sold, the proposed uses for the property and the reasons why the city council considers  
it necessary or convenient to sell the property. Proof of publication of the notice may be  
made as provided by ORS 193.070 (Proof of publication).

(3) Not earlier than five days after publication of the notice, the public hearing  
concerning the sale shall be held at the time and place stated in the notice. Nothing in this  
section prevents a city council from holding the hearing at any regular or special meeting  
of the city council as part of its regular agenda.

(4) The nature of the proposed sale and the general terms thereof, including an appraisal  
or other evidence of the market value of the property, shall be fully disclosed by the city  
council at the public hearing. Any resident of the city shall be given an opportunity to  
present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727 (Alternative procedure for sale of city-  
owned real property), "sale" includes a lease-option agreement under which the lessee

1 has the right to buy the leased real property in accordance with the terms specified in the  
2 agreement. [1983 c.216 §1; 2005 c.22 §164; 2021 c.624 §3]

3 The Council finds and determines that it has received all information necessary to make a  
4 decision based on the Staff Report, public hearing testimony and the exhibits and evidence  
5 received.

6 The Council finds and determines that this proposal to convey an easement interest in the  
7 subject property to PacifiCorp for the purpose of providing underground utility service to the  
8 City's property meets all applicable statutory minimum criteria for eligibility to convey real  
9 property (or an interest therein), as more fully set forth herein.

10 Further the City Council finds and determines that the proposed disposition of an  
11 easement interest in real property is deemed "necessary or convenient" to the City, and "furthers  
12 the public interest" as the conveyance will further the City Council's desire to provide safe and  
13 efficient provision of electric power to essential City utility facilities.

14 The Council further finds and determines that the easement portion of the City property  
15 identified herein is not necessary for City use.

16 The findings herein are supported by competent substantial evidence in the whole record,  
17 incorporated herein by this reference.

18 **Section 3. Order.**

19 Based on the above Findings set forth herein and based upon the evidence in the whole record,  
20 the City Council hereby approves and directs the conveyance of an easement interest in the  
21 subject real property, subject to all identified conditions, included or referenced herein. The real  
22 property conveyance of an easement interest is delegated to the City Manager and City Attorney  
23 who are authorized to execute such easement agreements, contracts, deeds and other documents  
24 necessary to complete the authorized disposition of an interest in real property. The manager is  
25 authorized to restrict access to adjacent lands (contrary to the general language of the proposed  
26 easement). The City Attorney must approve all documents as to form. The City Manager is  
27 expressly delegated the authority to sign documents for the City. The Manager is authorized to  
28 expend funds necessary to effectuate the conveyance, including but not limited to purchase of  
insurances and other title company services and products. When not specifically allocated to a  
party, costs are split between the parties.

**Section 4. Effective Date.** This resolution is effective as of the date of its adoption and signature  
by the Mayor.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of  
October, 2024.

\_\_\_\_\_  
Susan Wahlke, Mayor

Attest:

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Jamie Young, City Recorder

Approved as to form:

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David Robinson, City Attorney

Return to: Pacific Power  
**PO BOX 788 / 416 NE HWY 101**  
 Lincoln City, OR 97367

CC#: 11236 WO#: 7233570

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, *City of Lincoln City, a political subdivision of the State of Oregon* (“Grantor”), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns (“Grantee”), a perpetual easement for a right of way 5 feet in width and 50 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee’s underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Lincoln* County, State of *Oregon*, as more particularly described as follows and/or shown on Exhibit(s) *A* attached hereto and by this reference made a part hereof:

A portion of:

***Lots 8, 9, 10, 11, 12 and the South 42.1 feet of Lot 13 and the North 22.4 feet of Lot 7, Block 5, FIRST ADDITION TO TAFT, in Lincoln County, Oregon***

Assessor’s Map No.: ***07-11-27-DD***

Parcel No.: ***03500-00***

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

At no time shall Grantor conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

**JURY WAIVER.** TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST THE CONSOLIDATION OF, ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH

A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF LINCOLN CITY**

By: \_\_\_\_\_

Its: \_\_\_\_\_ GRANTOR

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

by \_\_\_\_\_, as \_\_\_\_\_,  
Name of Representative Title of Representative

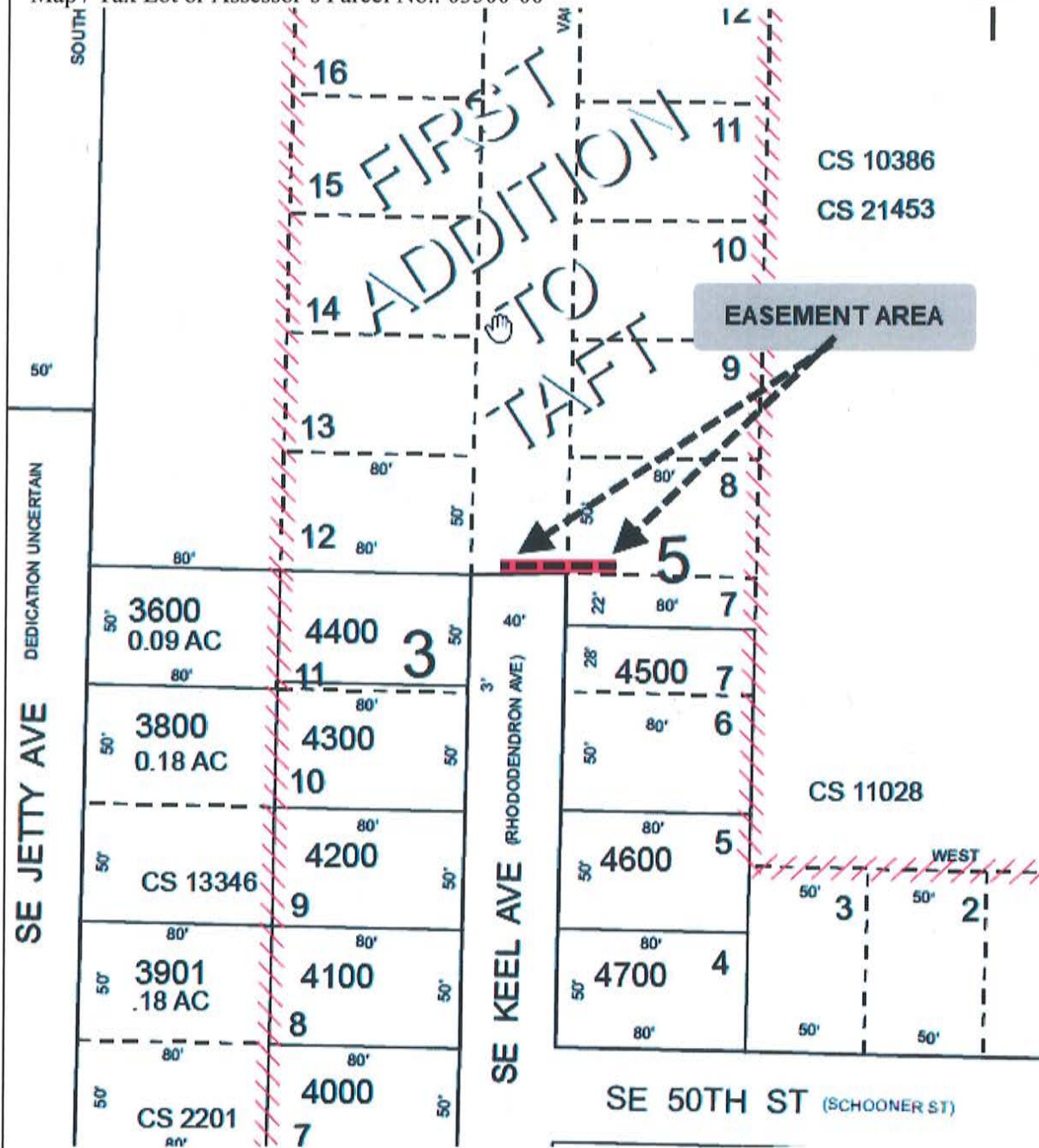
of \_\_\_\_\_  
Name of Entity on behalf of whom this instrument was executed

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**PROPERTY DESCRIPTION**

In the S.E. 1/4 S.E. 1/4 of Section 27, Township 7S, Range 11W  
of the Willamette Meridian, Lincoln County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 03500-00



CC#: 11236 WO#: 7233570 ROW#:

Landowner: City of Lincoln City

Drawn by: J. Lee

**EXHIBIT A**

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.



## Council Communication

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### Resolution 2024-29: Adopting the Supplemental Budget for FY2024-25

|                 |                  |                        |                          |
|-----------------|------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Debbie Bridges           |
| Department:     | Finance          | E-Mail:                | dbridges@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 5 Minutes                |

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#### Question:

Should the City Council adopt Resolution 2024-29?

#### Staff Recommendation:

Staff recommends the Council adopts Resolution 2024-29.

#### Authority:

ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning.

#### Background:

This resolution increases the City budget by \$11,500 for purchase of land as discussed at the October 14th joint Urban Renewal Agency and City Council meeting, funded by a transfer from the URA.

It also includes an increase to the Explore Lincoln City budget of \$33,400 for two new glass art projects commemorating the Finders Keepers 25 year anniversary (see attached staff memo for more detail), funded by higher beginning fund balance than budgeted for.

#### Council Options:

1. Adopt Resolution 2024-29
2. Adopt Resolution 2024-29 as amended
3. Do not adopt Resolution 2024-29

**Attachments:**

Resolution 2024-29 Adopting Supplemental Budget 2024-25 (DOCX)

FY25 Budget Request Finders Keepers 25th Anniversary (DOCX)

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**Resolution No. 2024-29**

**A Resolution of the City of Lincoln City, Adopting the Supplemental Budget for the Fiscal Year 2024-25, as Approved by the City Council, and Making Appropriations**

**Whereas**, ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning; and

**Whereas**, the publication of the supplemental budget was given in the manner provided in ORS 294.311;

**Now, Therefore, Be It Resolved That the City Council of the City of Lincoln City, As Follows:**

That it hereby adopts the supplemental budget for 2024-2025, and is now on file in the office of the Finance Director.

That the additional amounts for the fiscal year ending June 30, 2025, for the purposes shown below are hereby appropriated as follow:

See Exhibit "A"

**Effective Date:** This resolution is effective as of the date of its adoption.

APPROVED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of October 2024.

\_\_\_\_\_  
Susan Wahlke, Mayor

Attest:

\_\_\_\_\_  
Jamie Young, City Recorder

Approved as to form:

\_\_\_\_\_  
David Robinson, City Attorney

EXHIBIT "A"  
SUMMARY OF BUDGET TRANSFERS

FUND: GENERAL FUND

| Resource                       | Amount            | Expenditure                       | Amount            |
|--------------------------------|-------------------|-----------------------------------|-------------------|
| 1 Miscellaneous Revenue        | 11,500            | 1 City Hall Operations            | 11,500            |
| <b>Revised Total Resources</b> | <b>21,243,753</b> | <b>Revised Total Requirements</b> | <b>21,243,753</b> |

To add \$11,500 to the budget for purchase of land, funded by a transfer from Urban Renewal Agency.

FUND: EXPLORE LINCOLN CITY

| Resource                       | Amount            | Expenditure                       | Amount            |
|--------------------------------|-------------------|-----------------------------------|-------------------|
| 1 Beginning Fund Balance       | 33,400            | 1 Tourism Attraction              | 33,400            |
| <b>Revised Total Resources</b> | <b>12,798,487</b> | <b>Revised Total Requirements</b> | <b>12,798,487</b> |

To add \$33,400 to budget for two new glass art commemorative Finders Keepers Anniversary features.



**Budget Request for FY2024-2025**  
**Department of Explore Lincoln City**  
**City of Lincoln City**

Request Amount: \$33,400 into Promotional Supplies, 822000-6229004-8220003

Background and Justification:

Finders Keepers is one of Explore Lincoln City's signature programs that has been in place since the 1999-2000 inaugural season. It has become well known around the region to be the main activity for visitors to Lincoln City. Initially created as a way of celebrating the new millennium, the program will now be in its 25<sup>th</sup> Anniversary year. Explore Lincoln City is wanting to feature the 25<sup>th</sup> Anniversary by planning new glass art to recognize the milestone.

In preparation for the FY25 budget, we worked towards providing an increase on the cap of the glass floats wholesale cost. In 2024, we had the wholesale purchase price capped at \$25.00 per glass float. During the last few budget cycles, Explore Lincoln City looked at providing more equitable pricing adjustments to glass artists due to inflationary pressures on materials. We budgeted for FY25 with the plan to increase the wholesale cost to \$28.00 per glass float. This is still a great value as the retail price for similar sized glass floats was quoted from studios to be as high as \$45.00 to \$55.00 per glass float in 2024.

What we had yet to plan for the FY25 budget was providing commemorative glass art in recognition of the 25<sup>th</sup> Anniversary of Finders Keepers. This year's RFP for Finders Keepers we are looking at producing around 5,000 glass coins to be used for those who have registered glass floats and for promotional purposes. We placed a wholesale cost of \$5.00 per glass coin for their production. This falls somewhat in the middle of the price range for glass coins. Studios have mentioned prices for coins as high at \$8.00 per glass coin or as low as \$3.50 per glass coin. In the last few years when we have requested glass coins they have been priced around \$4.00 per glass coin. We feel this \$5.00 per glass coin would be a good medium for wholesale pricing. This would be an additional encumbrance of \$25,000.00 for this glass art Anniversary feature.

This year's RFP also included the addition of metallic glass floats. Explore Lincoln City is planning to do 300 metallic glass floats. This would be an increase in glass float production from 3,278 glass floats to 3,578 glass floats. Glass artists have told us that the additional materials for the creation of the metallic glass floats would be at the same price as the regular glass floats. This would be an additional encumbrance of \$8,400.00 for the metallic glass floats.

With two new glass art commemorative Anniversary features, Explore Lincoln City is requesting \$33,400 into its Promotional Supplies budget line item for FY25.

## Council Communication

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### 4th of July Drone Display Vendor Contract and Presentation

|                 |                      |                        |                          |
|-----------------|----------------------|------------------------|--------------------------|
| Meeting Date:   | October 14, 2024     | Primary Staff Contact: | Tyrel Trainor            |
| Department:     | Explore Lincoln City | E-Mail:                | TTrainor@lincolncity.org |
| Secondary Dept: |                      | Secondary Contacts:    |                          |
| Approval:       | Daphnee Legarza      | Estimated Time:        | 10 minutes               |

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#### **Question:**

Should the City Council approve Explore Lincoln City's contract to work with Sky Elements for the Fourth of July Drone Display Services?

#### **Staff Recommendation:**

Staff recommends the Council approve Explore Lincoln City's recommendation to contract with Sky Elements for three years.

#### **Authority**

Explore Lincoln City has the authority to contract with vendors who meet the requirements of a "vendor" for services. However, due to this contract being above the City Manager's spending authority, City Council would need to approve of the proposed contract.

#### **Background:**

While fireworks have been a long tradition for City of Lincoln City, there is growing concern about the impact that fireworks have on the environment and public safety.

While professional shows are allowed within fireworks regulations, City-sponsored fireworks make it more difficult to justify and enforce fireworks regulations.

Salishan Spit, where fireworks have traditionally been launched, is an exceptionally sensitive area, vulnerable to erosion and negative impacts on wildlife. Siletz Bay, over which the fireworks launch, is a wildlife refuge. There is no guarantee that Oregon Parks and Recreation Department will continue to issue the required launch permit.

Many cities in Oregon have pivoted away from fireworks, opting instead for drone or laser shows, including Tigard, Lake Oswego, Oregon City and Wilsonville. Cannon Beach declared itself a fireworks free destination. Cities such as Napa, California and Salt Lake City, Utah have also opted out of pyrotechnics in 2024 because of wildfire concerns. The noise of fireworks display can also create significant stress on wildlife and pets.

City Councilors, City staff and citizens have approached ELC to suggest moving away from a City-sponsored fireworks show in favor of a drone or laser light show. Drone displays can be both visually appealing and set to music. They also offer the ability to create their own content.

We believe that the advantages of drones will be in a positive direction for celebrating the Fourth of July in Lincoln City. Should this contract be approved to start in 2025, Lincoln City could be the very first city on the Oregon coast to offer a 4<sup>th</sup> of July drone show.

Explore Lincoln City was able to negotiate a better price through Sky Elements through a three-year contract of \$60,133.70 per year versus \$70,250.18 for just one year.

### **Financial Impact**

Each fiscal year would account for \$60,133.70 against Explore Lincoln City's Contracted Services – Events budget (822000-6201120-8220104), with the initial year being \$78,133.70 to create content. The display cost per year is \$60,133.70 and \$18,000 would be paid the first year for content creation services.

### **Potential Motions:**

Move to approve the three-year contract with Sky Elements.

Deny the approval and instruct Explore Lincoln City on whether to rebid or pursue other options.

### **Attachments:**

Sky Elements Drone Display Contract (PDF)  
City\_Council\_Presentation\_Drone\_Show\_Oct14 (PDF)



**This Agreement** is made this 30th day of September 2024, by and between Sky Elements, LLC, a Texas limited liability company, whose address is 820 W Sandy Lake Rd Ste 200, Coppell, TX 75019, and hereinafter referred to as **“Sky Elements”** and Explore Lincoln City, hereinafter referred to as **“Customer.”** Sky Elements is in the business of providing drone display services, and Customer desires to have Sky Elements provide drone display services at Customer’s event(s). The parties therefore agree as follows:

**DRONE DISPLAY(S):** Sky Elements agrees to furnish to Customer with drone display services, hereinafter referred to as **“Display(s)”** The Display(s) will be conducted in accordance with the following specifications:

**Display 1 Date: 07/04/2025**

**Number of Drones in Display 1: 200**

**Display 1 Location: North of 397 Salishan Dr, Gleneden Beach, OR 97388**

**Display 1 Amount: \$60,133.71**

**Content Capture Display 1 Amount: \$18,000.00 - See “Addendum A”**

**Total: \$78.133.71**

**Display 2 Date: 07/04/2026**

**Number of Drones in Display 2: 200**

**Display 2 Location: North of 397 Salishan Dr, Gleneden Beach, OR 97388**

**Display 2 Amount: \$60,133.70**

**Display 3 Date: 07/04/2027**

**Number of Drones in Display 3: 200**

**Display 3 Location: North of 397 Salishan Dr, Gleneden Beach, OR 97388**

**Display 3 Amount: \$60,133.70**

**Custom Show Design: 3 fully cutom displays**

**PAYMENT TERMS:** Customer shall pay Sky Elements \$180,401.11 The payment schedule for each show is as follows:

Display 1 – 50% Deposit upon execution of contract, remainder due within 5 business days of show completion

Display 2 – 50% Deposit due 5 months prior to show, remainder due within 5 business days of show completion

Display 3– 50% Deposit due 5 months prior to show, remainder due within 5 business days of show completion

**SHOW DESIGN WORKFLOW:** The drone display(s) design process is as follows:

1. **Storyboard Process:** Sky Elements shall create a storyboard of Customer approved images. The storyboard contains rough sketches or images, or screen captures of all scenes and action notes, which describe the layout of the animations. Sky Elements shall send the storyboard to Customer for feedback and suggestions. Sky Elements will modify the storyboard in accordance with the Customer feedback. Images and order of shapes can be changed for no additional fee during the storyboard process.
2. **Show Programing and Animation:** After completion of the storyboard process, Sky Elements shall begin the drone show design and animation process in accordance with the storyboard. After the animation and editing process, Sky Elements shall compile each sequence and render a video to Customer. Adjustments to shapes and images will be completed in accordance with Customer's suggestions. Changes to order of animations or substitution of images not yet animated will result in a \$5,000 reanimation fee.
3. **Final Delivery:** Sky Elements will perform the drone display(s) at Customer's Event.

**SECURE AREA:** Customer agrees to furnish sufficient space for Sky Elements to properly conduct each Display as determined by the FAA (hereinafter "Secure Area"). For the purposes of the Agreement, "Unauthorized Persons" shall mean anyone other than the employees of Sky Elements or persons specifically designated in writing by Customer or the FAA.

**INDEMNIFICATION AND HOLD HARMLESS:** To the extent authorized by Oregon law, Customer agrees to hold Sky Elements harmless from any damages caused to Customer which results as a consequence of unauthorized persons entering the Secure Area. Furthermore, Customer agrees to defend and indemnify Sky Elements from any and all claims brought against Sky Elements for damages caused wholly or in part by Unauthorized Person who have entered the Secure Area.

**AMENDMENT & ASSIGNMENT:** This agreement may not be sold, assigned, amended, or transferred without the prior written consent of Sky Elements.

**FORCE MAJEURE.** If for any reason beyond its control including, but not limited to, strikes, labor disputes, accidents, government requisitions, acts of war, acts of God, epidemic, pandemic, governmental restrictions, or other similar events that would make the event impractical or impossible, the Parties agree Customer's sole remedy is to transfer the display date subject to Sky Element's availability. In no event will Sky Elements be liable for any damages, including, but not limited to consequential damages.

**PERMITS AND APPROVALS:** Sky Elements shall obtain all necessary Federal Aviation Administration (FAA) approvals and permits to enable Sky Elements to perform fully hereunder, including airspace authorization needed for the Display(s). The client shall be responsible for obtaining and payment of all required local city permits, coordinating with local police, managing road closures, and arranging for necessary barricades.

**JURISDICTION AND VENUE.** It is hereby stipulated that this Agreement is governed by the laws of the State of Texas, and any suit involving this Contract shall be brought in Lincoln County, Oregon. For Display(s) that include licensed music accompaniment, Customer agrees to verify with their organization, venue, sponsor, and/or municipality, the permission to simulcast music and agrees to pay any and all fees associated with the broadcast of said music in the public environment of the Display(s).

**INSURANCE:** Sky Elements will maintain the following insurance coverages in connection with the Display(s) described in this contract.

**Commercial General Liability: \$1,000,000**  
**Automobile Liability: \$1,000,000**  
**Umbrella: \$10,000,000**  
**Workers Compensation: \$1,000,000**  
**Aviation Liability: \$5,000,000**

Sky Elements also agrees to include Customer as additional insured under the terms of this coverage. Sky Elements will provide a Certificate of Insurance. All entities listed on the certificate will be deemed an additional Insured per this contract.

**CANCELLATION:** Sky Elements shall determine what weather conditions, safety, or security concerns prohibit Sky Elements from proceeding with the Display(s); in the case of weather conditions, Sky Elements agrees to conduct the Display(s) on a mutually agreed upon rain/postponement date within one year from the original event date. Should Sky Elements be unable to perform the Display(s) at the Event due to safety concerns, security concerns, or in the case of cancellation by the customer, Sky Elements shall be entitled to 33% of the contract price for each of the workflow processes completed. For example, if Sky Elements has completed the Show Programming workflow, Sky Elements shall be entitled to 66% of the display price (33% for Storyboard, 33% for Show Programming and Animation). Final delivery is deemed to have occurred upon Sky Elements' arrival at the display location on the display date. Customer also acknowledges that damages corresponding to lost opportunity by reason of cancellation are inherently difficult to calculate, and that the liquidated damages amounts set forth above are a reasonable attempt to measure and liquidate those highly speculative damages.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SKY ELEMENTS, LLC

BY: \_\_\_\_\_  
Preston Ward, Manager / General Counsel

Date: \_\_\_\_\_

CUSTOMER

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Company: \_\_\_\_\_

Title: \_\_\_\_\_

**Addendum “A”**  
**Content Capture**

The Customer may request additional specifications or discuss specific requirements for the content capture services. Sky Elements will make reasonable efforts to accommodate such requests, subject to additional costs if applicable. The terms and conditions outlined in this Addendum are supplementary to the main contract and shall be considered an integral part thereof.

Sky Elements offers the following content capture services for the Customer's drone show:  
FEE:

- Amount: \$ 18,000
- Inclusions: The fee covers all expenses related to travel, videographer rates, hotel accommodations, and equipment rentals necessary for capturing the content.

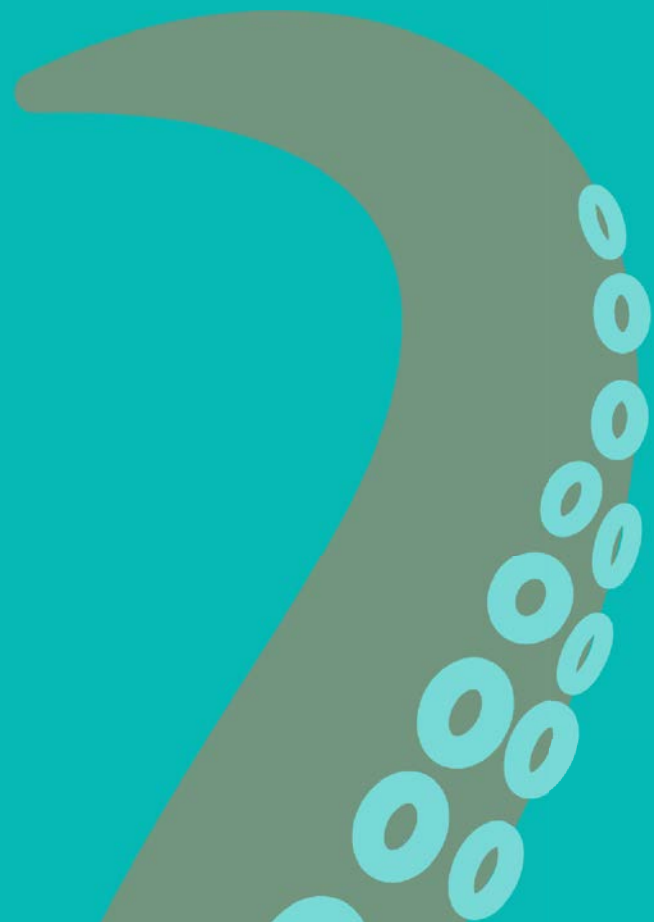
SERVICES:

- Recap Videos: Sky Elements will provide one (1) 30-second recap and one (1) 60-second recap of the drone show, with additional aspect ratios for social media available upon request.
- Pre and Post-Show Meetings: Sky Elements' content team will conduct pre-show and post-show meetings with the Customer to discuss the shot list and final production. The team will also be present on the ground during the event day for real-time adjustments.
- Deliverables: Additional deliverables, including any cutdowns, string-outs, and full cuts, will be provided as part of the package.
- Accelerated Post-Production: An accelerated post-production timeline will be implemented, including edits with client notes.
- Full Coverage of Expenses: The fee includes all travel expenses, videographer rates, hotel accommodations, and equipment rentals.
- FPV Inclusion: First-person view (FPV) footage will be included as part of the content capture.
- On-Site Personnel: Sky Elements will provide the following personnel to ensure comprehensive content capture:
  - Director
  - Videographer
  - Photographer
  - Drone Operator
  - FPV Operator



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City**®

*July 4<sup>th</sup>  
Drone Show*



# City-Sponsored July 4<sup>th</sup> Fireworks

*Each year, more counter-indicators to fireworks arise.*

- While professional shows are allowed within fireworks regulations, City-sponsored fireworks make it more difficult to justify and enforce fireworks regulations.
- Salishan Spit, the fireworks launch site, is an exceptionally sensitive area, vulnerable to erosion and negative impacts on wildlife. Siletz Bay, over which the fireworks launch, is a wildlife refuge. There is no guarantee that OPRD will continue to issue the required launch permit.
- Fireworks release plastic, gun power, heavy metals like lead, copper, cadmium, titanium, and aluminum, and toxic chemicals like perchlorates. These impact air quality, human health, waterways, and soil.
- Fireworks are known to cause harm to veterans, dogs, wildlife, and air quality, and to increase pollution and wildfires. Four years after Lincoln City's 2020 Echo Mountain fire, local fire danger awareness is still very high. Approx. 40 fires were burning in Oregon this summer at the time of our show.



# Looking Ahead - July 4<sup>th</sup>, 2025

- ❁ Many cities in Oregon have pivoted away from fireworks, opting instead for drone or laser shows, including Tigard, Lake Oswego, Oregon City and Wilsonville. Drone light shows are an eco-friendly form of entertainment. There is no mess left behind, and some companies even go so far as bringing solar generators to the field to power equipment where needed.
- ❁ City Councilors, City staff and citizens have approached ELC to suggest moving away from a City-sponsored fireworks show in favor of a drone or laser light show.
- ❁ Lincoln City could be leaders in this space, offering a safer, more stewardship-minded celebration by way of the first 4th of July drone show on the Oregon Coast.



# Looking Ahead - July 4<sup>th</sup>, 2025

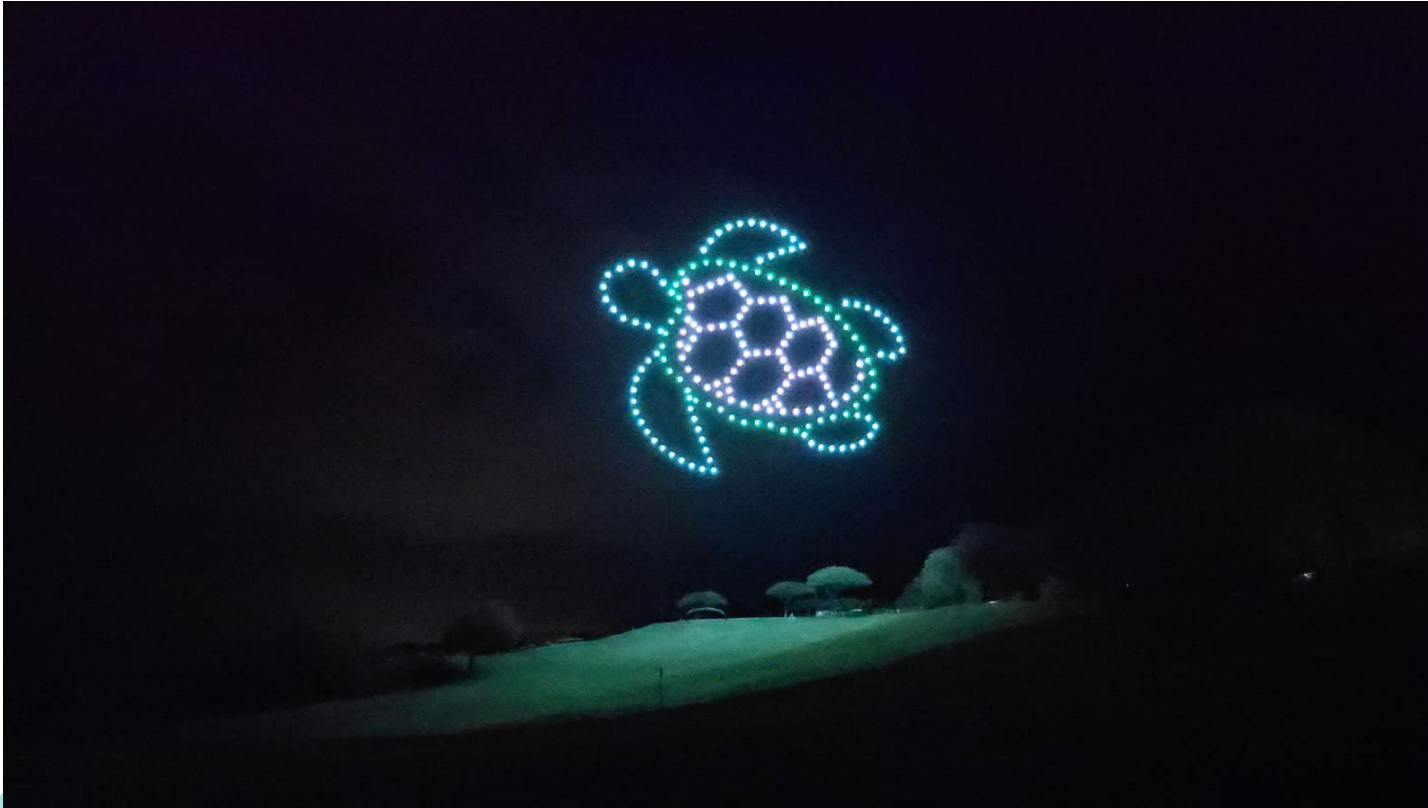
- ✿ ELC conducted a feasibility and cost study regarding drone and laser light shows. ELC considered three companies regarding availability and pricing.
- ✿ ELC recommends Sky Elements to produce a 200 -drone, 15-minute show for Lincoln City for July 4<sup>th</sup>, 2025. Sky Elements is the largest drone show provider in the U.S. and a seven-time Guinness record holder. Pricing includes all staffing, music and custom show design just for Lincoln City. Proposed launch site is the same, Salishan Spit. In early talks, OPRD and Salishan are in agreement with a drone show plan.
- ✿ If the City commits to a three year contract, there is a cost savings of \$10K per year for a total of \$180, 401.11 (\$60K/year). We also advise \$18K for content capture for marketing purposes.



# Looking Ahead - Drone Show Examples



# Looking Ahead



# Looking Ahead - Education Campaign

- ✿ A drone show will complement our continued education campaign regarding fireworks regulations and counter-indicators.
- ✿ Education is key. Building on the year-round education campaign would:
  - ✿ Educate about the fireworks ban and its consequences.
  - ✿ Impart the many negative effects of fireworks to the public.
  - ✿ Inform and inspire the community and visitors about an alternate 4th of July display and its benefits to community, ecosystem and wildlife.
  - ✿ Create excitement about the first 4<sup>th</sup> July drone show on the Oregon Coast!



# Public Education Campaign, 2024



## FIREWORKS ARE PROHIBITED IN LINCOLN CITY

The sale, offer for sale, possession, and use of fireworks is prohibited everywhere within the city of Lincoln City - including all private and public property (such as beaches, streets, and parks). Violators will be fined and/or prosecuted for lighting any type of firework here. This includes sparklers and novelty devices.

All are invited to enjoy a professional public firework show over Siletz Bay on the 4<sup>th</sup> of July. Festivities will begin at noon, with live music at the Taft Park Pavilion.

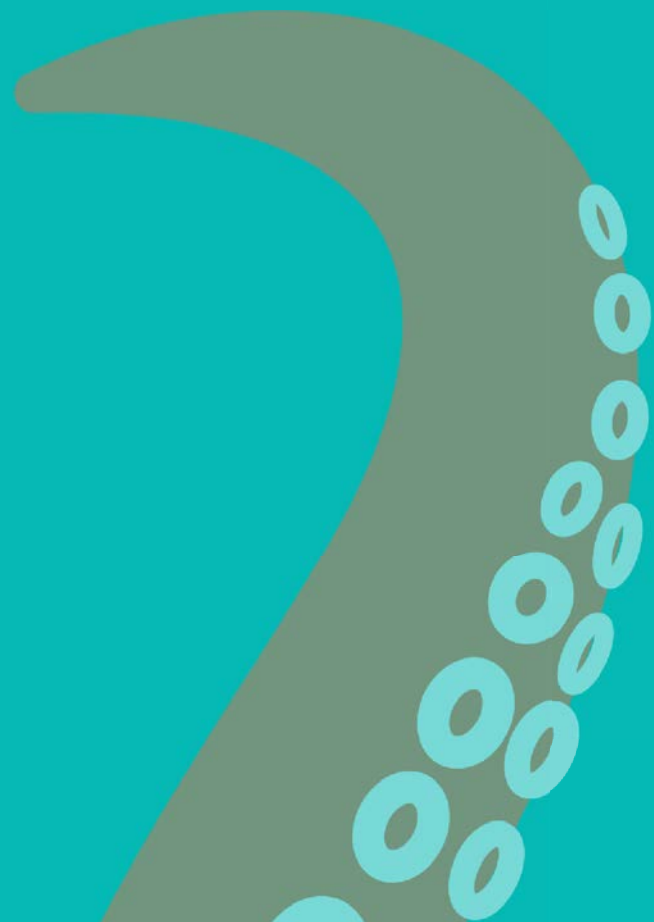
Additional parking and a shuttle service will be available from Taft High School. Scan the QR code below for more info on the event:



-  Website
-  Flyers
-  Consumer and Industry Newsletters
-  Social Media
-  Community Partnerships
  -  Hotels
  -  Casino (Totem Sign at City Limits)

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**Lincoln  
City**®

*Thank  
You*



## Council Communication

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### Re-appointment to Sustainability Committee - Applicant Leonard Folino

|                 |                  |                        |                        |
|-----------------|------------------|------------------------|------------------------|
| Meeting Date:   | October 14, 2024 | Primary Staff Contact: | Jamie Young            |
| Department:     | City Council     | E-Mail:                | JYoung@lincolncity.org |
| Secondary Dept: |                  | Secondary Contacts:    |                        |
| Approval:       | Daphnee Legarza  | Estimated Time:        | 5 minutes              |

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#### Question:

Should the City Council approve the abbreviated appointment process for reappointment of Leonard Folino for a "City Resident" position on the Sustainability Committee?

#### Staff Recommendation:

Mr. Folino served on the Sustainability Committee. His term expired on October 7, 2024. We would like use the abbreviated process for reappointment.

#### Background:

The Sustainability Committee currently has three (3) vacant positions.

#### Authority:

LCMC 2.06.015 (F)

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

G. Reappointment. Requests for reappointment of appointive public officers (only for those who have previously completed the interview, reference and background check) may be processed using this abbreviated procedure. The council, by motion, may direct the city recorder to place appointive officers on the agenda for reappointment, subject only to an update of the background investigation (pursuant to a current release). Unless council by motion directs the use of the abbreviated procedure, all reappointments shall follow the procedure identified herein for original applicants.

**Council Options:**

Review and discuss the re-appointment of Leonard Folino to the "City Resident" position on the Sustainability Committee for a term expiring October 7, 2027 using the abbreviated process.

**Potential Motions:**

- 1. I move to use the abbreviated reappointment process for Leonard Folino to the Sustainability Committee for a "City Resident" position.**

**Attachments:**

2021 - Leonard Folino ref 1.pdf (PDF)

Folino, Leonard\_ Application Multi\_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION- Leonard Folino.pdf (PDF)



## Human Resources

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### REFERENCE CHECK- COMMITTEES

Reference regarding: Leonard Folino-- (Parks and Recreation, Planning, Library Committee Board)

Reference: Tony Anderson

Reference taken by; date / time: November 29, 2021

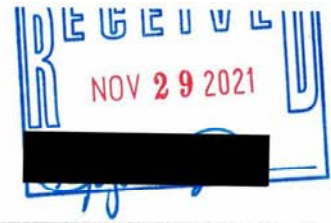
- What is your professional relationship with the applicant?  
**I'm a national Vice-President for the Order Sons & Daughters of Italy in America, where I have had the opportunity to work with Lenny.**
- How long have you worked / served with him/her?  
**I've known Lenny for nearly twenty years.**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? **YES**
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our **Parks and Recreation, Planning, Library** Committee be a good match based on your knowledge of the applicant? **YES**
- Would you recommend him/her for the **Parks and Recreation, Planning, Library** Committee?  
**Most definitely**
- Does the applicant possess good decision making / reasoning skills?  
**YES**
- Does the applicant have good communication / interpersonal skills?  
**YES**
- Is he/she responsible and reliable?  
**YES**
- What are his/her strongest skills? On time, thinks clearly and very organized. **YES**



## Human Resources

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- Does he/she possess any special skills?
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **STILL WORKING TOGETHER**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the **Parks and Recreation, Planning, Library** Committee? IF you provide Lenny with a Board Mael, he will read it, understand it & follow it. **He's a TEAM PLAYER!**
- Do you have any other feedback you could provide that would help us make a decision?  
**You will not be sorry in selecting Lenny Folino. He will do a GREAT JOB for Lincoln City.**



**CITY OF LINCOLN CITY  
Committee / Board / Commission Application**

Please indicate which committee/board/commission you are applying for:

- Arts Committee
- \*Budget Committee
- Community Sustainability Committee**
- Parks and Recreation Board
- Planning Commission
- Library Board

*\* If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

|                          |                                     |                    |            |
|--------------------------|-------------------------------------|--------------------|------------|
| <b>NAME:</b>             | Leonard Leo Folino                  | <b>DATE:</b>       | 11/25/2021 |
| <b>HOME ADDRESS:</b>     | [REDACTED]                          |                    |            |
| <b>MAILING ADDRESS:</b>  | Same as above                       |                    |            |
| <b>CITY, STATE, ZIP:</b> | Lincoln City OR. 97367-3 [REDACTED] |                    |            |
| <b>E-MAIL ADDRESS:</b>   | [REDACTED]                          |                    |            |
| <b>HOME PHONE:</b>       | None                                | <b>CELL PHONE:</b> | [REDACTED] |

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time 14 months

Do you reside within the Urban Growth Boundary?  Yes Length of Time 14 months

Do you reside within the Lincoln County School District North:  Yes  No

Are you a registered voter in Lincoln County?  Yes  No

Are you a Lincoln City business owner or Manager?  Yes  No

If yes, please indicate which business you own/manage? \_\_\_\_\_



**QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)**

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Volunteer Firefighter / EMT King County Fire District 40  
Washington State Fire Training Operations Support Instructor  
Black Diamond Community Center / Food Bank and Historical Society Black Diamond WA

List names of volunteer/work supervisors:

Damina Harper [redacted]  
Patrica Bauccio [redacted]  
Keith Watson [redacted]

Please provide any previous experience with committees, boards or commissions and positions held:

Washington State Governor's Committee on Disability Issues and Employment  
Washington State Governor's Committee on Disability Issues Out Reach Subcommittee  
National Membership Committee OSDIA

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I enjoy giving back to the community sometimes you can accomplish more and have a greater impact and positive outcome being appointed to a position then if you are an elected official.  
I have a lot of available time so why not do something positive with it.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Cheryl Hanson [redacted] Phone: [redacted]

Name: Tony Anderson [redacted] Phone: [redacted]

**My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.**

[redacted signature]  
**SIGNATURE**

11/25/2021  
**DATE**



City Recorder  
City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

|   |                    |
|---|--------------------|
| <b>FULL NAME:</b>                               | Leonard Leo Folino |
| <b>START DATE:</b>                              |                    |
| <b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b> |                    |
| <b>CITY STAFF REPRESENTATIVE:</b>               |                    |
| <b>HOME ADDRESS:</b>                            |                    |
| <b>MAILING ADDRESS:</b>                         | [REDACTED]         |
| <b>HOME PHONE:</b>                              |                    |
| <b>CELL PHONE:</b>                              | [REDACTED]         |
| <b>PERSONAL E-MAIL ADDRESS:</b>                 | [REDACTED]         |

|   |            |
|---|------------|
| <b>EMERGENCY CONTACT NAME/RELATIONSHIP:</b> | [REDACTED] |
| <b>HOME PHONE:</b>                          | None       |
| <b>CELL PHONE:</b>                          | [REDACTED] |

|                             |            |
|-----------------------------|------------|
| <b>DATE:</b>                | 11/25/2021 |
| <b>VOLUNTEER SIGNATURE:</b> | [REDACTED] |

**ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL**



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY**

**PLEASE READ CAREFULLY BEFORE SIGNING!**

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

[Redacted Signature]

SIGNATURE

11/25/2021

DATE



## MEMORANDUM

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**To:** City of Lincoln City Mayor and City Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** December 10, 2021  
**Re:** Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Leonard Folino

Position Applied For: Parks and Recreation, Planning, and Library Committee

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information;
- One reference provided a response.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards  
HR Director