

CITY OF LINCOLN CITY
CITY COUNCIL AGENDA

MONDAY OCTOBER 28, 2024, 6:00 PM

6:00 PM - The Lincoln 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, by attending the City Council meeting, or by telephone.

Public comments submitted by email to 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****

Citizens requesting to give public comment via telephone must email 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. 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 under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit 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. Regular Meeting – Minutes of Regular Meeting – October 14, 2024, 5:00 PM
2. Regular Meeting – Minutes of Regular Meeting – October 14, 2024, 6:00 PM
3. Regular Meeting – Minutes of Work Session – October 21, 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. Seven Capes Bird Alliance Presentation - Dawn Villaescusa, President of the Seven Capes Bird Alliance, will be presenting an overall recap of activities over the past twelve months.
5. Cascade Head Biosphere Collaborative Presentation - Duncan Berry and Dan Twitchell, Co-Directors for the Cascade Head Biosphere Collaborative will be presenting an overall recap of activities over the past twelve months.
6. Presentation by Cascadia Partners- Lincoln City received a grant to retain consultants to create a "Housing Production Roadmap" in order to lay a foundation for the Housing Capacity Analysis we are required to produce by 2027 and the Housing Production Strategy we are required to produce by 2028. The Housing Production Strategy will identify strategies and actions the city will take to facilitate development of needed housing. This presentation will describe progress to date and lay out the next steps to be taken.

H. PUBLIC HEARING / ORDINANCE

1. Public Hearing for ZOA 2024-06 (Mass Timber) - This proposed zoning ordinance amendment is intended to help facilitate the construction of prefabricated, modular, and manufactured housing products by removing local barriers to permitting and siting housing that is constructed of components manufactured off site. The Planning Commission held a public hearing on the matter July 16, 2024 and recommended that the City Council adopt the proposed ordinance.

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

2. Ordinance 2024-06 for ZOA 2024-06 (Mass Timber) - This proposed zoning ordinance amendment is intended to help facilitate the construction of prefabricated, modular, and manufactured housing products by removing local barriers to permitting and siting housing that

is constructed of components manufactured off site. The Planning Commission held a public hearing on the matter July 16, 2024 and recommended that the City Council adopt the proposed ordinance.

3. Ordinance 2024-17 An Ordinance Amending Ord. 2017-20 Exhibit A, the City of Lincoln City Municipal Code, 2.04.180 Section 4.4. In September 2024, the Oregon Government Ethics Commission revised the Oregon Administrative Rules such that if the city council allows elected official to attend executive sessions remotely then it also has to allow members of the media to attend remotely. Council reached consensus to direct the City Attorney to remove the allowance for remote attendance at executive sessions.

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

4. Fourth of July Drone Display Contract (Revised)- Explore Lincoln City seeks City Council approval to contract with Sky Elements for a drone show for July 4, 2025. The contract is \$70,250.18 and includes all company travel expenses, staffing and a customized show including music. The goal is to address growing concern about the negative impacts of fireworks on community, ecosystem and public safety, and to provide an innovative, eco-friendly form of entertainment and celebration.
5. Reappointment to Sustainability Committee - Applicant Leonard Folino was approved for the abbreviated appointment process at the 10/14/24 meeting. Council will need to decide if he should be appointed for another term.

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



JOINT REGULAR MEETING AGENDA
MONDAY, OCTOBER 14, 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 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 www.lcprogramguide.org.)

APPROVED BY URBAN RENEWAL AGENCY

DATE: _____

I. CALL TO ORDER

Agency Chair/Councilor Parsons called the meeting to order at 5:00 PM.

Attendee Name	Title	Status	Arrived
Riley Hoagland	Agency Member / Councilor	Present	
Susan Wahlke	Agency Member / Mayor	Present	
Judy Casper	Agency Member / Councilor	Present	
Rick Mark	Agency Member/ Councilor	Present	
Mitch Parsons	Agency Chair / Councilor	Present	
Marci Baker	Agency Member / Councilor	Present	
Todd Barker	Agency Vice-Chair / Councilor	Present	

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Alison Robertson, Economic Development and Urban Renewal Director; Debbie Bridges, Finance Director; Jamie Young, City Recorder

II. MINUTES FOR APPROVAL

- 1. Minutes of Jun 10 2024 5:00 PM

RESULT:	PASSED [UNANIMOUS]
MOVER:	Todd Barker, City Council/Agency Member
SECONDER:	Susan Wahlke, Member / Mayor
AYES:	Hoagland, Wahlke, Casper, Mark, Parsons, Baker, Barker

III. PUBLIC COMMENT

None

IV. AGENCY/COUNCIL COMMUNICATIONS

None

V. PUBLIC HEARING/PUBLIC COMMENT

None

VI. PRESENTATIONS

None

Agency Chair Parsons moved agenda item "VII 2. Property Purchase: Cutler City District Shoreline Property" after "VII 5. Historic Preservation" so that he could recuse himself.

VII. SPECIAL ORDER OF BUSINESS

- 1. Proposed Office Improvements as a Capital Project in Preparation for Plan Implementation for the Roads End / Villages at Cascade Head (Sitka Woods) Urban Renewal Area

MOTION:	Motion to Approve the Proposed Office Improvements as a Capital Project in Preparation for Plan Implementation for the Roads End / Villages at Cascade Head (Sitka Woods) Urban Renewal Area
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Hoagland, Wahlke, Casper, Mark, Parsons, Baker, Barker
RESULT:	Passed by Roll Call Vote

Alison Robertson, Urban Renewal Director, reviewed the staff report that was included in the packet.

2. Update: City-EPA Brownfield Grant

Alison Robertson, Urban Renewal Director, reviewed the staff report that was included in the packet. The Council and Staff had a discussion on the information reviewed.

3. Update: Urban Renewal Projects

Alison Robertson, Urban Renewal Director, reviewed the staff report that was included in the packet. The Council and Staff had a discussion on the information reviewed.

4. Historic Preservation

MOTION:	Motion to Direct Staff to Continue Working on Historic Preservation Efforts as Time and Funding Allow, with the Goal of Becoming a Certified Local Government
MOVER:	Marci Baker, Councilor Ward 2
SECONDER:	Susan Wahlke, Mayor
AYES:	Hoagland, Wahlke, Casper, Mark, Parsons, Baker, Barker
RESULT:	Passed via Voice Vote

Alison Robertson, Urban Renewal Director, reviewed the staff report that was included in the packet. The Council and Staff had a discussion on the information reviewed. Agency member/Mayor Wahlke asked about the cost of the demo permit only having a "\$" on packet page 20. Director Robertson confirmed it should be \$100.

5. Property Purchase: Cutler City District Shoreline Property

Agency Chair/Councilor Parsons recused himself due to potential and perceived conflict. Agency member/Mayor Wahlke took over the meeting. Alison Robertson, Urban Renewal Director, reviewed the staff report that was included in the packet. The Council and Staff had a discussion on the information reviewed.

VIII. RESOLUTIONS

1. Motion to Approve Resolution UR 2024-03 Budget Transfer

MOTION: Motion to Approve Resolution UR 2024-03 Budget Transfer
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Todd Barker, Councilor Ward 1
AYES: Hoagland, Wahlke, Casper, Mark, Baker, Barker
RECUSED: Mitch Parsons
RESULT: Passed by Roll Call Vote

Mayor Wahlke asked to have the Vice-Chair sign the resolution as the Agency Chair Parsons recused himself.

IX. ADJOURNMENT

Agency Chair/Councilor Parsons adjourned the meeting at 5:48 PM.

SUSAN WAHLKE, MAYOR

MITCH PARSONS, AGENCY CHAIR

ATTEST:

JAMIE YOUNG
CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

October 14, 2024, 6:00 PM

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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	Councilor Ward 2	Present	
Todd Barker	Councilor Ward 1	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; Sgt. Weaver, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Kim Cooper Findling, Explore Lincoln City Director; Jeanne Sprague, Parks and Recreation Director; Richard Townsend, Planning and Community Development Director; Debbie Bridges, Finance Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed

1. Oregon Liquor Control Commission Request for Limited On-Premises Sales License for Allies at the Coast
Councilor Baker pulled #1. Councilor Baker spoke about the box on page 6 that was not marked. City Attorney Robinson spoke regarding the reasons the City can deny an OLCC application.

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

None

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

Debi & Scott Rowland spoke regarding the Grubs on food truck and asked for a text amendment change to the generator.

Norman Berkshire spoke regarding a small boat launch for the Siletz Bay. Mr. Berkshire suggested a couple of places.

Kerri Biddle spoke regarding a complaint that she filed on August 26. Ms. Biddle stated that she has not heard anything from the City.

Mike Holt the District Captain of the Convention of States Action Committee, spoke regarding Article 5 of the Constitution. Mr. Holt asked for a non-binding resolution to call for a convention of States. Mr. Holt gave a handout to the Council.

Ms. Legarza summarized email comments; Melody Wilkins commented in support of the Farmers' Market; and Amy O'Connor, Shannon Valdivia, Pam Dishong, Amy Williams, Eric Williams, Mercedes Galasso, Debi Price-Rowland, Shana Watson, Kitty Chadwick, spoke in favor of a code variances for the Grubs On.

G. PRESENTATIONS

4. Proclamation for the Central Coast Humane Society

Mayor Wahlke read the proclamation.

5. Presentation - Coastal Support Services

Ms. Cherryholmes was unable to attend the meeting. Mayor Wahlke said Ms. Cherryholmes didn't have any additional information to add other than what they've already said and they are working on opening 7 days a week so that we can have 24/7 coverage for those experiencing homelessness throughout the entire Winter season. Ms. Cherryholmes apologized for not being able to make it.

6. Presentation - Northwest Coastal Housing

Sheila Stiley, Executive Director for Northwest Coastal Housing gave a presentation regarding the project completed and upcoming plans. The Council had a discussion with Ms. Stiley regarding the information provided.

7. Presentation - Helping Hands Reentry Program

Michelle Gaylor, Facilities Director presented the Council with an update on the reentry program. The Council had a discussion with Ms. Gaylor about the information provided.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing- Pacific Power easement Schooner Creek Discovery Park

Mayor Wahlke opened the public hearing at 6:59 PM. David James Robinson, City Attorney reviewed the staff report. No Citizens were present for public comment. Mayor Wahlke closed the public hearing at 7:02 PM.

2. Public Hearing Ord. 2024-10 ZOA 2024-04 (Subdivision Lot Sizes)

Mayor Wahlke opened the public hearing at 7:04 PM. Richard Townsend, Planning Director reviewed the staff report. Mr. Townsend summarized the comments received by email. The Council had a discussion with Mr. Townsend regarding the information provided. Genevieve Atwood spoke against this ordinance. Councilor Baker asked the staff if objective criteria were considered. Mr. Townsend said if that was the wish of the Council they could bring it back. Mayor Wahlke closed the public hearing at 7:22 PM.

MOTION:	Motion to Close the Public Hearing and Record Ordinance 2024-10 for ZOA 2024-04 An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Todd Barker, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed via Voice Vote

3. Public Hearing Ordinance 2024-11 ZOA 2024-05 (Nelscott Cottage Residential)

Mayor Wahlke opened the public hearing at 7:29. PM. Richard Townsend, Planning Director reviewed the staff report and showed a presentation.

Mr. Townsend summarized the comments received by email; Sheri Walker spoke against the ordinance; Doug Wheldon spoke against the ordinance. Richard Briggs spoke in favor of the ordinance. Adam Morris spoke against the ordinance. Kim Kolbow spoke against the ordinance. Wayne Sitkei spoke against the ordinance. Selena Somera spoke against the ordinance. Don Flaherty spoke against the ordinance. Darlene Evans spoke against the ordinance. Rock Your World spoke against the ordinance. Eric & Kayla Sogleglad spoke against the ordinance. Daniel Kolbow spoke against the ordinance. Shannon Valdivia spoke against the ordinance. Ben Stanford spoke against the ordinance. Mysti Maka spoke against the ordinance. Kelsey Stanford spoke against the ordinance. Jeralyn Coursey spoke against the ordinance. Cathy Asher spoke against the ordinance. L Crowley spoke against the ordinance. Patricia Cochran spoke against the ordinance. Wendelin Brown spoke against the ordinance.

The Council had a discussion with Mr. Townsend regarding the information provided. Rich Briggs spoke in favor of the ordinance. Nancy Wyatt spoke against the ordinance. Trapper Wyatt spoke against the

ordinance. Tim Smith spoke against the ordinance. Tyler Tredway spoke against the ordinance. Sheri Walker spoke against the ordinance.

Councilor Baker gave a statement regarding her individual participation at the Planning Commission meeting. Councilor Baker had a comment about locations to increase the density. Mayor Wahlke closed the public hearing at 8:43 PM.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2024-11 for ZOA 2024-05 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed via Voice Vote

4. Public Hearing Ordinance 2024-12 ZOA 2024-07 (Building Lot Coverage)

Mayor Wahlke opened the public hearing at 8:46 PM. Richard Townsend reviewed the staff report. Mr. Townsend summarized the comments received by email; Sheri Walker spoke against the ordinance; Doug Wheldon spoke against the ordinance. Richard Briggs spoke in favor of the ordinance. Adam Morris spoke against the ordinance. Kim Kolbow spoke against the ordinance. Wayne Sitkei spoke against the ordinance. Selena Somera spoke against the ordinance. Don Flaherty spoke against the ordinance. Darlene Evans spoke against the ordinance. Rock Your World spoke against the ordinance. Eric & Kayla Soleglad spoke against the ordinance. Daniel Kolbow spoke against the ordinance. Shannon Valdivia spoke against the ordinance. Ben Stanford spoke in favor of the ordinance. Mysti Maka spoke against the ordinance. Kelsey Stanford spoke in favor of the ordinance. Jeralyn Coursey spoke against the ordinance. Cathy Asher spoke against the ordinance. L Crowley spoke against the ordinance. Patricia Cochran spoke against the ordinance. Wendelin Brown spoke against the ordinance. The Council had a discussion with Mr. Townsend regarding the information provided. Rich Briggs spoke in favor of the ordinance. Mayor Wahlke closed the public hearing at 9:04 PM.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2024-12 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed via Voice Vote

5. Public Hearing Ordinance 2024-13 ZOA 2024-08 (Indoor Recreation Facilities)

Mayor Wahlke opened the public hearing at 9:10 PM. Richard Townsend reviewed the staff report. No Citizens were present for public comment. Mayor Wahlke closed the hearing at 9:16 PM.

MOTION:	Motion to Close the Public Hearing and Record for Ordinance 2024-13 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed via Voice Vote

J. ORDINANCES**6. Ord 2024-10/ZOA 2024-04 SUBDIVISION LOT SIZES**

MOTION:	Motion to Approve First Reading of Ordinance 2024-10 An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Roll Call Vote

7.

MOTION:	Motion to Approve Second Reading and Adoption of Ordinance 2024-10 An Ordinance Amending the City of Lincoln City Municipal Code, Title 16 (Subdivisions), Repealing Sections 16.12.210 and 16.12.220
MOVER:	Marci Baker, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Roll Call Vote

8. Ord 2024-11 ZOA 2024-05 NELSCOTT COTTAGE RESIDENTIAL

Mayor Wahlke said that the ordinance has blanks; and that it says the Planning Commission was in favor and that is incorrect.

MOTION:	Motion to Approve First Reading of Ordinance 2024-11 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Hoagland
NAYS:	Baker, Barker, Casper, Mark, Parsons, Wahlke
RESULT:	Failed by Roll Call Vote

9.

MOTION:	Motion to Direct Staff to Bring Back Information from the Citizens Involvement Committee Pertaining to the Tools and Resources Available
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Voice Vote

10. Ord 2024-12 ZOA 2024-07 BUILDING LOT COVERAGE

MOTION: Motion to Approve First Reading of Ordinance 2024-12 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),

MOVER: Rick Mark, Councilor Ward 3

SECONDER: Judy Casper, Councilor Ward 3

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

RESULT: Passed by Roll Call Vote

11.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2024-12 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),

MOVER: Riley Hoagland, Councilor Ward 2

SECONDER: Rick Mark, Councilor Ward 3

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

RESULT: Passed by Voice Vote

12. Ord 2024-13 ZOA 2024-08 INDOOR RECREATION ESTABLISHMENTS

MOTION: Motion to Approve the First Reading Ordinance 2024-13 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),

MOVER: Mitch Parsons, Councilor Ward 1

SECONDER: Riley Hoagland, Councilor Ward 2

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

RESULT: Passed by Roll Call Vote

13.

MOTION: Motion to Approve the Second Reading and Adoption of Ordinance 2024-13 An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning),

MOVER: Mitch Parsons, Councilor Ward 1

SECONDER: Riley Hoagland, Councilor Ward 2

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

RESULT: Passed by Roll Call Vote

14.

MOTION: Motion to Approve First Reading of Ordinance 2024-15 Adding Sign Requirements Fireworks to Short Term Rentals

MOVER: Rick Mark, Councilor Ward 3

SECONDER: Mitch Parsons, Councilor Ward 1

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

RESULT: Passed by Roll Call Vote

David James Robinson read the staff report and a public comment in favor of this ordinance from Janet Knipe of REIA. The Council and Staff had a discussion on how to get the materials to the owners of the STRs.

15.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2024-15 Adding Sign Requirements Fireworks to Short-Term Rentals
MOVER: Todd Barker, Councilor Ward 1
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed by Roll Call Vote

16.

MOTION: Motion to Approve First Reading of Ordinance 2024-16 Amending Farmers Market Ratio
MOVER: Todd Barker, Councilor Ward 1
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed by Roll Call Vote

The Council and Staff discussed the Farmers' Market.

17.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2024-16 Amending Farmers Market Ratio
MOVER: Todd Barker, Councilor Ward 1
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

18. Resolution 2024-28: Pacific Power easement - Schooner Creek Discovery Park

MOTION: Motion to Approve Resolution 2024-28: Pacific Power Easement - Schooner Creek Discovery Park
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

19. 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

MOTION: Motion to Approve Resolution 2024-29: Adopting the Supplemental Budget for FY2024-25
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Todd Barker, Councilor Ward 1
AYES: Baker, Barker, Casper, Hoagland, Mark, Wahlke
RECUSED: Parsons
RESULT: Passed by Roll Call Vote

Councilor Parsons recused himself due to a potential conflict of interest.

L. SPECIAL ORDER OF BUSINESS

20. Fourth of July Drone Display Vendor Contract and Presentation

MOTION:	Motion to Approve the Three-Year Contract with Sky Elements
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Mark, Wahlke
NAYS:	Baker, Barker, Casper, Hoagland, Parsons
RESULT:	Failed by Roll Call Vote

Kim Cooper gave a presentation regarding the 4th of July Drone Display. The Council and Staff had a discussion regarding the information.

21.

MOTION:	Motion to Direct Staff to Reach Out to Sky Elements Drone Shows and Comeback with a One-Year Contract
MOVER:	Marci Baker, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Barker, Casper, Mark, Wahlke
NAYS:	Baker, Hoagland, Parsons
RESULT:	Passed by Roll Call Vote

22. Reappointment to Sustainability Committee - Applicant Leonard Folino

MOTION:	Motion to Approve the Abbreviated Re-Appointment Process to Sustainability Committee Applicant Leonard Folino
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Todd Barker, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Wahlke
NAYS:	Parsons
RESULT:	Passed via Voice Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

No City Manager report.

City Attorney David Robinson said there is an LOC in-person training on December 3rd in Newport. Mr. Robinson spoke about the earlier ethics accusation.

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

23.

MOTION:	Motion to Direct Staff to Strike the Sentence "External Generators are Prohibited" from 12.80.170 for Food Trucks
RESULT:	Died Without a Second

24.

MOTION:	Motion to Direct Staff to Advise Council as to Why the City Banned External Generators for Food Trucks/Pods
MOVER:	Marci Baker, Councilor Ward 2
SECONDER:	Todd Barker, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Voice Vote

25.

MOTION:	Motion to Direct Staff to Follow-up or Respond to Kerri Biddle’s Complaint
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	Passed by Voice Vote

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

Roger Swanton spoke regarding the housing development on SE 31st Street and the neighborhood traffic. Mr. Swanton suggested using SE 32nd to exit since there is a traffic light. Mr. Swanton spoke about Sky Elements and the music licensing.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Mark spoke about the SE 31st Street housing development and having staff look into it. The Council gave consensus for the Planning Director to bring information back.

Councilor Barker as for consensus to send an email about beach sustainability. The Council gave consensus.

Councilor Hoagland spoke about Indigenous People's Day and gave the history to the Council.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 10:30 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE WORK SESSION MEETING

October 21, 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 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	Present	
Judy Casper	Councilor Ward 3	Excused	
Riley Hoagland	Councilor Ward 2	Absent	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Excused	
Susan Wahlke	Mayor	Present	

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

2. **DISCUSSION ITEMS**

A. Lincoln City Street Lighting Project

Stephanie Reid, Public Works Director spoke about the history of street lighting in Lincoln City. Hannah Bradshaw, Project Manager, Street Light Policy and Operations and Kelly Weight, Manager of Street Light Operation and Policy with Pacific Power were present via Zoom. Ms. Weight presented a PowerPoint explaining LED street lighting and the cost. The Council had a discussion with Ms. Weight on the information provided. Mayor Wahlke talked about driving home and seeing

deer on the road and not being able to see them on Highway 101 due to poor lighting. Councilor Barker said he had seen the same and agreed with Mayor Wahlke. Ms. Reid said that we will want to include the Police Department in any decisions.

B. Miscellaneous

Councilor Baker shared the handout regarding AI tools from the conference with the Council. The Council had a discussion regarding the information that was presented.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 6:22 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Seven Capes Bird Alliance Presentation

Meeting Date:	October 28, 2024	Primary Staff Contact:	Michael Phillips
Department:	Administration	E-Mail:	MPhillips@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Dawn Villaescusa, President of the Seven Capes Bird Alliance, will be presenting an overall recap of activities over the past twelve months.

Attachments:

Seven Capes Bird Alliance Packet (PDF)

September 18, 2024

Michael Phillips
City of Lincoln City
800 SW Hwy 101
Lincoln City OR 97367



**SEVEN CAPES
BIRD ALLIANCE**
Working Together for Birds and Nature

Audubon Society of Lincoln City (now known as Seven Capes Bird Alliance)
Annual Report for Lincoln City Office Space Rent Abatement

1. **Ongoing and successful nonprofit board governance.** Our Board of Directors elections were just held and our board stays the same as last year with the caveat that we will be electing officers at our October board meeting. Board member information is [here](#). Our Board meets monthly and each board member has a role in our various programs and activities.
2. **Produces annual report and annual members meeting.** We held our annual members meeting Thursday, September 12th at the Lincoln City Cultural Center. 27 of our 217 members were in attendance, and 6 of our 8 board members. Our annual report is in the form of a meeting presentation, which you can view [here](#). In addition, as a Chapter of National Audubon Society, we file an annual report with them based on calendar year, which you can view [here](#).
3. **Annual submission of the IRS 990 and other required nonprofit tax returns.** Attached is our 990N for 2022-23. We will be filing our 2023-24 990 this year in the form of a 990 EZ because our regular income now exceeds the threshold. Note that our fiscal year is July thru June.
4. **Provide annual evidence of impacts to citizens of and City of Lincoln City.**
 - a. Sponsored Beach cleanups at D River wayside July 2023 and July 2024.
 - b. Provide bird walks to city parks and open spaces monthly.
 - c. Work with Parks and Recreation to build an Osprey Awareness Program, showcasing the city's 14+ Osprey nests. We trained 17 volunteers last season and 31 volunteers this season. Volunteers monitor Osprey nests during nesting season, which runs from April through September. We're currently working with them on potential sites for interpretive signage.
 - d. Working with Parks & Recreation on ivy pulling in conjunction with our bird walks.
 - e. Our "Bird Brick" fundraising campaign raised \$5,000 for the bricks at the LC Cultural Center. Our "Bird Brick" brochure lets kids (and adults) check off the birds as they locate the bird names on the bricks, available at the Cultural Center.
 - f. Our handouts and publications are all printed by Quality Printing Service of Lincoln City. For stickers we use Scout in the Lincoln City Mall.
 - g. Initiated "Perch and Pour" at Salishan Resort for adult members of the public to have a beverage and talk birds with our volunteers on the 3rd Wednesday of each month.
 - h. Served as a resource for Joanne Daschel as she works on the mosaics for the City's new Schooner Creek Discovery Park, providing a species list and reference photographs.
 - i. Provide free classroom education, such as "Our Neighbor the Osprey" in local schools.
5. **Events, Outreach, Programs List is attached.**

Seven Capes Bird Alliance Events, Outreach, Programs List for 2023-24

July 2023:

7 - Fri, 9-11am - Nesika Park (City) Bird walk, free and open to the public, sponsored by Explore Lincoln City.

8 - Sat, 9-11am - Yaquina Head Bird walk, free and open to the public.

13 - Board Meeting held at office

14 - Our Marine Reserve Awareness art exhibit, *Reserve Inspiration*, moved to Coos Bay Art Museum for a three month run. Reception in Coos Bay.

August 2023:

10 - Board Meeting held at office

12 - Sat, 9-11am - Alder Island Loop Trail Bird Walk, free and open to the public, sponsored by Explore Lincoln City.

Our Marine Reserve Awareness art exhibit, *Reserve Inspiration*, continues at Coos Bay Art Museum.

September 2023:

8 - Fri, 9-11am - Cutler City Open Space Bird Walk, free and open to the public, sponsored by Explore Lincoln City.

9 - Sat, 9-11am - Bayocean Spit Bird Walk, free and open to the public.

14 - meeting w/LC Parks and Recreation to discuss Osprey Awareness Initiative

14 - Board Meeting held at office

21-29 - Kids education classes at St James Santiago School

23 - Newport Farmers Market tabling for outreach

26-28, Oct 3-5 - *Birding Basics* adult class at Oregon Coast Community College Lincoln City campus

28 - Osprey Watch season wrap up and lessons learned at Connie Hansen Garden in Lincoln City

Our Marine Reserve Awareness art exhibit, *Reserve Inspiration*, continues at Coos Bay Art Museum.

October 2023:

10 - Lincoln City Senior Center presentation on Pacific NW Coastal birds

12 - Board Meeting held at office

12 - Osprey planning and bird walks meeting with Lincoln City Parks and Recreation and Explore Lincoln City

13 - Fri, 9-11am - The Villages & Road's End Bird Walk, free and open to the public, sponsored by Explore Lincoln City.

14 - Sat, 11am-1pm - Boiler Bay to Devil's Punchbowl Bird Walk, free and open to the public.

6-7 - Attended the Oregon Audubon Council Annual Conservation work session in the Klamath Basin.

9 - Attended the Oregon State of the Coast workshop

November 2023:

9 - Board Meeting held at office

11 - Sat, 9-11am - Salmon River at Cascade Head Bird Walk, free and open to the public, sponsored by Explore Lincoln City.

28 - North Lincoln Winter Raptor Survey (Salmon River & Devils Lake)

Seven Capes Bird Alliance Events, Outreach, Programs List for 2023-24

29 - West Tillamook Winter Raptor Survey (Netarts, Cape Meares, West Tillamook City, to Bay City)
 29 - Held our ASLC Birthday party celebration at the Lincoln City Cultural Center with cake made by My Petite Sweet of Lincoln City.

December 2023:

5 - Lakeview Senior Center (Lincoln City) presentation on Pacific NW Coastal birds
 8 - Fri, 9-11am - Taft-Siletz Bay Bird Walk, free and open to the public, sponsored by Explore Lincoln City.
 12 - North Lincoln Winter Raptor Survey (Salmon River & Devils Lake)
 13 - West Tillamook Winter Raptor Survey (Netarts, Cape Meares, West Tillamook City, to Bay City)
 14 - Board Meeting held at the office
 16 - Saturday, all day, Christmas Bird Count at Tillamook Bay
 17 - Sunday, all day, Christmas Bird Count at Lincoln City

January 2024:

1 - Board Meeting held at the office
 12 - Fri, 9-11am - Regatta Park Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
 13 - Sat, 9-11am - Hatfield Marine Science Center Nature Trail (Newport) Bird Walk, free and open to the public.
 23 - North Lincoln Winter Raptor Survey (Salmon River & Devils Lake)
 24 - West Tillamook Winter Raptor Survey (Netarts, Cape Meares, West Tillamook City, to Bay City)

February 2024:

3 - Attended and tabled at Willamette Valley Bird Symposium, Corvallis
 8 - Board Meeting held at the office
 10 - Sat, 9-11am - Friends of the Wildwoods Open Space Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
 13 - West Tillamook Winter Raptor Survey (Netarts, Cape Meares, West Tillamook City, to Bay City)
 16-19 - Great Backyard Bird Count, both counties
 23 - North Lincoln Winter Raptor Survey (Salmon River & Devils Lake)
 29 - Rocky Habitat/Marine Reserve webinar, free and available to the public.

March 2024:

2 - Reserve Inspiration hike Cape Falcon
 5 - Osprey Watch Training at Oregon Coast Community College, Newport Campus
 6 - Osprey Watch Training at Connie Hansen Gardens in Lincoln City
 8 - Fri, 9-11am - Spring Lake Open Space Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
 9 - Sat, 9-11am - Yakona Nature Preserve Bird Walk, Newport, free and open to the public.
 13 - West Tillamook Winter Raptor Survey (Netarts, Cape Meares, West Tillamook City, to Bay City)
 14 - Board Meeting held at the office
 21 - Rocky Habitat/Marine Reserve webinar, free and available to the public.
 26 - North Lincoln Winter Raptor Survey (Salmon River & Devils Lake)

Seven Capes Bird Alliance Events, Outreach, Programs List for 2023-24

April 2024:

- 6 - 9am-1pm Board retreat at the office
- 12 - Fri, 9-11am - The Knoll/Villages Open Space Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
- 13 - Sat, 9-11am - Nestucca Wildlife Refuge Bird Walk, free and open to the public
- 18 - Fogarty Creek Marine Conservation Area guided geology walk, free and open to the public
- 20 - Earth Day Cannon Beach
- 26 - Special Board meeting
- 27 - Attended the Spring Education & Administration Oregon Audubon Council meeting.
- 27 - Cape Foulweather Marine Conservation Area guided geology walk, free and open to the public

May 2024:

- 3 - Our Marine Reserve Awareness art exhibit, *Reserve Inspiration*, moved to Cannon Beach Gallery for a one month run. Opening reception and presentation by Dr. Lindsay Graham.
- 9 - Board Meeting held at the office
- 10 - Fri, 9-11am - Cutler City Open Space Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
- 11 - Sat, 9-11am - Grass Mountain on Cascade Head Bird Walk, free and open to the public
- 11 - Participated in Wild Things World Migratory Bird Day - Yachats
- 13 - Cape Lookout Marine Conservation Area guided geology walk, free and open to the public
- 19 - Sponsored Dr Sarah Rockwell Purple Martin presentation in Yachats
- 26 - Participated in Nehalem's World Migratory Bird Day festival
- VAR - Brought "Our Neighbor the Osprey" program to five classrooms at St James Santiago School and Oceanlake Elementary School.

June 2024:

- 1 - Sat, 10-1 - Participated in the Regatta Park Free Fishing event with Devils Lake Water Improvement District
- 4-13th - *Birding Basics* adult class at Oregon Coast Community College Lincoln City campus
- 7 - Fri, 9-11am - Hostetler Park & D River Open Space Bird Walk, free and open to the public, sponsored by Lincoln City Parks & Recreation.
- 8 - Sat, 9-11am - Ona Beach Bird Walk, free and open to the public
- 8 - Participated in World Ocean Day at the Oregon Coast Aquarium
- 13 - Board Meeting held at the office
- 17 - Newport Senior Center presentation on Pacific NW Coastal birds
- 29 - Participated in Cascade Head Scenic Research Area 50th Anniversary celebration with Cascade Head Biosphere Collaborative

Form 990-N

Electronic Notice (e-Postcard)

OMB No. 1545-2085

Department of the Treasury
Internal Revenue Service

for Tax-Exempt Organization not Required to File Form 990 or 990-EZ

2022

Open to Public Inspection

A For the 2022 Calendar year, or tax year beginning 2022-07-01 and ending 2023-06-30

B Check if available

 Terminated for Business Gross receipts are normally \$50,000 or lessC Name of Organization: AUDUBON SOCIETY OF LINCOLNCITYPO BOX 38, Lincoln City, OR,US, 97367

D Employee Identification

Number 20-3795649

E Website:

lincolncityaudubon.orgF Name of Principal Officer: dawn villaescusa3615 SW Beach Ave, LincolnCity, OR, US, 97367

Privacy Act and Paperwork Reduction Act Notice: We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990-N is covered in code section 6104.

The time needed to complete and file this form and related schedules will vary depending on the individual circumstances. The estimated average times is 15 minutes.

Note: This image is provided for your records only. Do Not mail this page to the IRS. The IRS will not accept this filing via paper. You must file your Form 990-N (e-Postcard) electronically.

Seven Capes Bird Alliance Events, Outreach, Programs List for 2023-24

Council Communication

Cascade Head Biosphere Collaborative Presentation

Meeting Date:	October 28, 2024	Primary Staff Contact:	Michael Phillips
Department:	Administration	E-Mail:	MPhillips@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Duncan Berry and Dan Twitchell, Co-Directors for the Cascade Head Biosphere Collaborative will be presenting an overall recap of activities over the past twelve months.

Attachments:

Cascade Head Biosphere Collaborative Packet (PDF)



cascade head
BIOSPHERE COLLABORATIVE

2024 Calendar of Events

Early Spring and Spring Season:

Natural Arts and Sciences on Tap (*January 25, 6-8 p.m.*) – Held at Pelican Brewing on Siletz Bay. Presentation on “Two Sides of Cascade Head: History of the Salmon River Estuary and Neskowin” by Dr. Stephen Dow Beckham, the Pamplin Professor of History, Emeritus, Lewis & Clark College. (*By Donation*)

Gyotaku Master Class (*March 16, 11 – 5:00*) – Held at Pelican Brewing on Siletz Bay. Full day class led by Duncan Berry, Master Printer, (*Fee, capacity 15*)

Natural Arts and Sciences on Tap (*March 20, 6 – 8 p.m.*) Held at Pelican Brewing on Siletz Bay. Speaker TBD.

Scavenger Hunt at Knight Park (*April 13, 10 – 11:30*) – Family event, nature-oriented scavenger hunt will engage kids in a fun adventure and let them win prizes (*Free*)

Secret Life of Salmon Day (*June 8, 10 – 1:30*) – At Knight Park. Based on established curriculum (LCSD), family event, learn about salmon in their habitat, natural food webs, and the Salmon River estuary (*Free*)

Natural Arts and Sciences on Tap (*June 19, 6-8 p.m.*) At Pelican Brewing on Siletz Bay. Speaker TBD

Volun-tourism on Lincoln City beaches (Spring through Fall). As part of our “Wrack Line” project, studying climate change. Participants record what they see on the beach on the iNaturalist app.

Summer Season:

Art on the Beach (*July 6, 8 a.m.*) Help create ocean creatures and other designs on the beach in front of Chinook Winds Casino, using sand rakes and brooms; open to all (*Free*)

Sand Art Contest (*August 3, 7 a.m.*) – On the beach at Roads End State Recreation Site, entry fee for contestants who make reservations through Eventbrite (limited capacity), otherwise all welcome to attend and observe, prizes awarded (*Fee for contestants*)

Gyotaku Printing Workshop (*August 24, 11 – 1:30*) Held at Pelican Brewing on Siletz Bay. Class led by associates of Duncan Berry, Master Printer. (*Fee of \$75 + \$25 for materials, capacity 25*)

Fall Season:

Kayaking in the Moonlight (*September 14, 7:30 -10 p.m.*) – Depart from Knight Park at sunset, paddle in the moonlight, bring your own kayak (*Fee*)

Welcome the Salmon Home (*Sept. 21, 10 – 3*) – Includes boat ride to Camp Westwind, salmon bake/lunch, gyotaku printing and presentations by naturalists (*Donation/Fee*)

Daytime Kayaking at Knight Park (*October 5, 10 - 2*) – “Learn the Secrets of an Estuary.” Bring your own kayak, enjoy an afternoon naturalist-led tour on the Salmon River estuary (*Fee*)

Natural Arts and Sciences on Tap (*October 16, 6 – 8 p.m.*) – At Pelican Brewing on Siletz Bay. Speaker TBD

Gyotaku Master Class (*October 26, 11 – 5:00*) – Held at Pelican Brewing on Siletz Bay. Full day class led by Duncan Berry, Master Printer, (*Fee, capacity 15*)

Winter Season:


Gyotaku Printing (*December 14, 11 – 1:30*) Held at Pelican Brewing on Siletz Bay. Class led by associates of Duncan Berry, Master Printer. (*Fee of \$75 plus \$25 for materials, limit of 25*)


MINUTES OF THE DIRECTOR'S MEETING

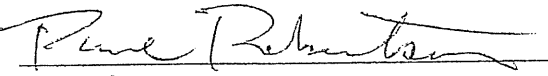
MINUTES OF A MEETING OF DIRECTORS of Cascade Head Biosphere Collaborative (the "Corporation") held at 2750 Four Creeks Rd., Otis, OR 97638, USA on this 12th day of January, 2023.

1. The following members were present constituting the entire board:

Duncan Berry
Daniel Twitchell
Paul Robertson
2. All the directors of the Corporation being present, formal notice calling the meeting was dispensed with, and the meeting declared to be regularly called.
3. **UPON A MOTION DULY MADE**, seconded and unanimously carried, Duncan Berry acted as Chairperson of the meeting and Daniel Twitchell as Secretary of the meeting.
4. The following memorandum was then read and ordered to be inserted in these minutes: "We the directors of the Corporation consent to this meeting being held at the above time and place and do waive notice and publication of this meeting, and consent to the transactions of such business, as may come before it, as testified by our signatures below:


 _____ (Signature)
 Duncan Berry


 _____ (Signature)
 Daniel Twitchell


 _____ (Signature)
 Paul Robertson

5. The Chairman presented to the meeting and thereupon the following resolutions were offered, seconded and unanimously adopted.

IT WAS RESOVED THAT:

1. The following individuals are appointed and confirmed as signing officers for a term of one year or until replaced and are authorized to manage bank accounts that have been established for the benefit of the Corporation, sign and endorse checks, drafts, and other orders of payment for those bank accounts, and are authorized to sign bills of lading, and other documents, as needed and reasonable, for the normal conduct of the business of the Corporation.

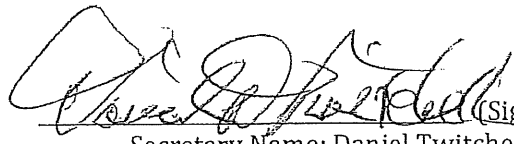
Duncan Berry
Daniel Twitchell
Paul Robertson

2. The officers and directors are authorized to enter into the following contract (the "Contract"):

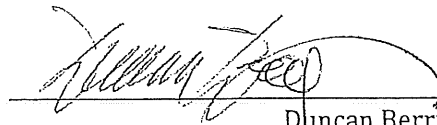
Rental of Office Space

Any one officer or director is authorized to execute the Contract on behalf of the Corporation.

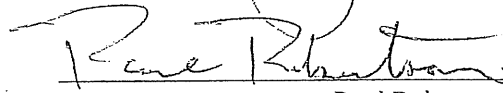
3. There being no further business to come before the meeting, the meeting was adjourned.
4. Dated in the State of Oregon on the 12th day of January, 2023.



(Signature)
Secretary Name: Daniel Twitchell



(Signature)
Duncan Berry



(Signature)
Paul Robertson

MINUTES OF THE DIRECTOR'S MEETING

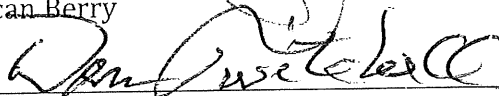
MINUTES OF A MEETING OF DIRECTORS of the Cascade Head biosphere Collaborative (the "Corporation") held at 1540 NW 22nd Street, Lincoln City, OR 97368, USA on this 24th day of May, 2023.

- 1. The following members were present constituting the entire board:

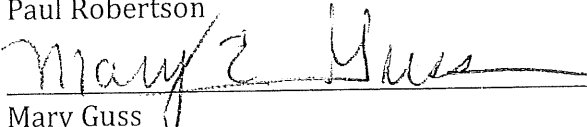
Duncan Berry
Daniel Twitchell
Paul Robertson
Mary Guss

- 2. All the directors for the Corporation being present, formal notice calling the meeting was dispensed with, and the meeting declared to be regularly called.
- 3. **UPON A MOTION DULY MADE**, seconded and unanimously carried, Duncan Berry acted as Chairperson of the meeting and Daniel Twitchell as Secretary of the meeting.
- 4. The following memorandum was then read and ordered to be inserted in the minutes: We directors of the corporation consent to this meeting being held at the above time and place and do waive notice and publication of this meeting, and consent to the transactions for such business, as may come before it, as testified by our signatures below:


_____ (Signature)
Duncan Berry


_____ (Signature)
Daniel Twitchell

_____ (Signature)
Paul Robertson


_____ (Signature)
Mary Guss

- 5. The Chairman presented to the meeting and thereupon the following resolutions were offered, seconded and unanimously adapted.

IT WAS RESOLVED THAT:

1. The following individual is appointed and confirmed as a signing officer for a term of one year or until replaced and is authorized to manage bank accounts that have been established for the benefit of the Corporation, sign and endorse checks, drafts, and other orders of payment for those bank accounts, and are authorized to sign bills of lading, and other documents, as needed and reasonable, for the normal conduct of the business of the Corporation.

Mary Guss

2. The director is authorized to enter into the following contract (the "Contract"):

Rental of Office Space

Any one officer or director is authorized to execute the Contract on behalf of the Corporation.

3. Adapt Conflict of Interest for the Corporation
4. There being no further business to come before the meeting, the meeting was adjourned.
6. Dated in the State of Oregon on the 24th day of May, 2023.

MINUTES OF THE DIRECTOR'S MEETING – June 10, 2023

MINUTES OF A MEETING OF DIRECTORS of the Cascade Head biosphere Collaborative (the "Corporation") held at 2750 Four Creeks Road., Otis, OR 97368, USA on this 10th day of June, 2023.

1. The following members were present constituting the entire board:

Duncan Berry
 Daniel Twitchell
 Paul Robertson
 Mary Guss

2. All the directors for the Corporation being present, formal notice calling the meeting was dispensed with, and the meeting declared to be regularly called.
3. **UPON A MOTION DULY MADE**, seconded and unanimously carried, Duncan Berry acted as Chairperson of the meeting and Daniel Twitchell as Secretary of the meeting.

IT WAS RESOLVED THAT:

1. Duncan and Paul to meet at 11:00 on Monday, June 12th to craft a stair-step budget with options for different sizes (# of classes) for our 2023/2024 school year offerings. Duncan and Paul will then report back to the board to determine the appropriate approach by Wednesday, June 14th.
2. Duncan will reach out to the 3 school district reps on Monday and bring them up to speed.
3. Individually, each director will think of individuals and ways to raise the funds necessary to fuel the Collaborative's educational program for this school year AND into the future in a diversified and consistent way.
4. There being no further business to come before the meeting, the meeting was adjourned.
5. Dated in the State of Oregon on the 10th day of June, 2023.


 _____ (Signature)
 Duncan Berry


 _____ (Signature)
 Daniel Twitchell

MINUTES OF THE DIRECTOR'S MEETING – September 22, 2023

MINUTES OF A MEETING OF DIRECTORS of the Cascade Head biosphere Collaborative (the "Corporation") held at 801 SE Hwy 101, Suite A, Lincoln City, OR 97367 on this 22nd day of September, 2023.


- 1. The following members were present constituting the entire board:

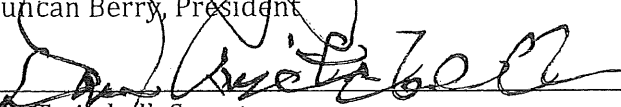
Duncan Berry
 Daniel Twitchell
 Paul Robertson
 Mary Guss

- 2. All the directors for the Corporation being present, formal notice calling the meeting was dispensed with, and the meeting declared to be regularly called.
- 3. **UPON A MOTION DULY MADE**, seconded and unanimously carried, Duncan Berry acted as Chairperson of the meeting and Daniel Twitchell as Secretary of the meeting.

IT WAS RESOLVED THAT:

- 1. Duncan to present to the Education Committee of the Oregon State Legislature on September 27, 2023. The purpose will be to seek support for the Collaborative's K-8 educational programs.
- 2. Various board members assigned business and governance tasks and to report back to the board at it next board meeting on October 19, 2023. A specific assignment was given to Dan to find a bookkeeper and to also obtain a quote for insurance (including riders for water oriented activities).
- 3. Board to participate in Compass program on November 6th, (10am to 4pm) to develop common approach for team building and for developing volunteers in the future as we deepen our relationship, including learning and unlearning, about this place.
- 4. Board to re-focus on Human Resources goals, which will include Dan and Mary developing full process and program for the Collaborative's Volunteer System. Work scheduled for November and December. Progress report to be made at the December 8th Annual Meeting.
- 4. There being no further business to come before the meeting, the meeting was adjourned.
- 6. Dated in the State of Oregon on the 22nd day of September, 2023.


 _____ (Signature)
 Duncan Berry, President


 _____ (Signature)
 Dan Twitchell, Secretary

CASCADE HEAD BIOSPHERE COLLABORATIVE
December 8, 2023 Board Meeting

The following members were present constituting the entire board:

Duncan Berry
Daniel Twitchell
Paul Robertson
Mary Guss

Meeting was called to order at the scheduled time

The Board discussed the following matters

Review of 5-year Plan and how we did 2023.

In the future, we should publish an Annual Report of the 5-Year Plan

Also prepare a report and do an annual review for the USFS

Follow through to recruit Advisory Board members – OCLI is being considered as a potential source

Recruit leadership for CHBC in 2024

Seek Volunteer and Education Coordinators and Development Director, plus a Communications Advisor and plan

Also need a financial plan, a human resources plan, and a roadmap for publicity

Other things the Board would like to accomplish in 2024:

Deepen tribal engagement with CTSI

(Send invite to Grand Ronde for our next brewpub speaker)

Signage at beach access points

In the fall, work on developing NGSS curriculum for 7th/8th graders

Volunteer plan, including volunteer trainings

Re-energize CHSRA-related events and 50-year celebration

On Dec. 19th meet with Boyze, Zenia and the Boydens

Alter CHSRA to include Education -- Work with Sophia, who will help with grant.

We need to be going after this one because the Senators' support

They will shop our request to committees
 They love programmatic, and this is reoccurring
 Build it out over the years for educational

The Board reviewed the 2024 budget

Need to develop detailed annual budget – “operationalize” it.

Paul to do this

Do a list of costs by event

Dan to check about insurance coverage – General Liability, Events, & Director and Officer rider

Legal – need to rewrite waivers for event participants. MEG to do

Draft an MOU between CHBC and Skookum Wawa – MEG to do

Fiscal sponsorship by CHBC; Admin fees = 10%. Take the fee out at the end of the year

Duncan or Paul will open a new sub-account for this

Discussion of fund raising

Who is working on what items on the grants list?

One log-in for federal grants; Paul is the conduit for all grants

Educational fundraising:

Merkeley sponsored educational funding opportunities

Sophia is local

Meridith _ Washington DC

Mickey helps Meridith

Community Initiated, up to \$2million

Will need letters of support

Dan , Paul and Mary will follow up to find an accountant that will do CHBC’s 990

Alternatively, Paul may research software for this

Reviewed Plan for 2024 and discussed all action items

Put off Spirit Mountain until later in 2024, after connecting with tribe

Brew pub dates are changed to March 20, June 19 and October 16, 2024. Had to move May 25 because of the holiday

Conflict of Interest Policy and Individual documents Reviewed
Assign Lead, Ask, and Writers for Grants – Paul initiates and other board members
will work on content.

Submitted January 4, 2024.

Signed, Daniel Twitchell/Secretary 

CASCADE HEAD BIOSPHERE COLLABORATIVE
June 17, 2024 Board Meeting

1. The following members were present constituting the entire board:

Duncan Berry
Daniel Twitchell
Paul Robertson
Mary Guss

Meeting was called to order at the scheduled time

The Board discussed the following matters

NOAA – likelihood that \$75,000 will be granted per Paul’s assessment
Discuss Steve Percy as a potential board member. Have him work with us for fund raising and education. Meet on July 10th?

Organize 4CAST annual summit for the fall – add volunteers
Elitca work on handoff for Insight Summit
Wrackline Project -- What are others doing
New roadmap for mussels

Budgeting and Grants

Regarding funds from Jeff Wiles – question about if earmarked for CHSRA? Yes, they are.
Send Jeff new RFP in October
Send Jeff the video from this summer’s educational effort – Mary to follow up

General Bank Balance (Account # 8000) was \$26,059.80 – inquiry about whether funds were time-bound. General funds are not time-bound.

OOCF grant is time-bound to September 30th

RLFF Grant – education
\$10K plus is left – need to spend down by September

Most items above require year-end reports

Our adopted budget for 2024 shows 25% as earned income

Re: Scheduling – July 10th tentative grants budgeting (10am at office for 2 hours); July 14-20 Duncan will be gone.

Re: Welcoming the Salmon Home – Need to discuss . . are we going to do it? If so, will it be at Knight Park? Dan to find a Captain to do boat tours

Re: Interns

Craig Riley is a USBN intern who wants to come here and report back to UNESCO on what's needed to thrive.

Re: Future Post Media – determine if Elitca Ganeva can work with Richard

There is \$2,250 available. The board proposes that he do something on the Collaborative's three pillars that would be at three minutes long – for payment.

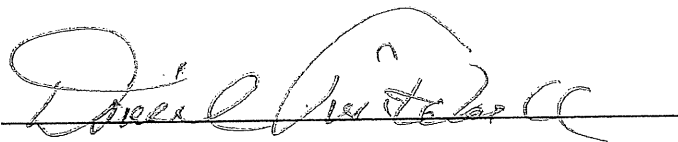
Richard will do other videos at no cost. Focus him on upcoming events. Give those videos to the City and Elitca.

Paul made the point that anyone we hire needs to have a business license with the City.

Re: CHRSA -- discuss details for event for June 29th.

Submitted June 17, 2024.

Signed, Daniel Twitchell/Secretary



CASCADE HEAD BIOSPHERE COLLABORATIVE
August 7, 2024 Board Meeting

The following members were present constituting the entire board:

Duncan Berry
Daniel Twitchell
Paul Robertson
Mary Guss

Stephen Percy was also present

Meeting was called to order at the scheduled time

The Board discussed the following matters:

A). Potential grant with OCF/OOCF

Discussed developing a green hospitality initiative
Paul to take first step in writing a prospectus
All board members to research green hospitality entities regionally and nationally.

Dan and Steve to invite OCF fund managers to come to one or our events and re-engage with that organization.

B). Potential grant with Meyer Memorial Fund

Paul and Steve to draft up language tied to NOAA grant match. Possibilities include:

Buy more education coordinator time
Hire national quality artists and naturalists for educational programs
Fund estuary access by ferry and captain

C). Potential grant with Roundhouse Foundation

Duncan to frame ideas on youth involvement in climate action – 4CAST project; with possible involvement by the Confederated Tribes of Siletz Indians

Additional items:

Duncan will conduct tent research and costs for purchasing. Potentially this could be written into future grants.

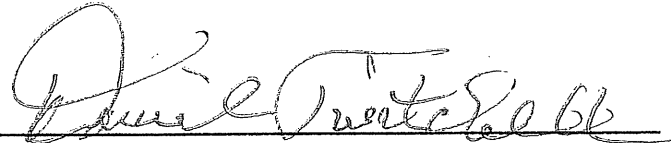
Paul will research buying boots and drying racks as another grant possibility

Stephen Percy has accepted the invitation to join the CHBC Board; there will be a vote at the next meeting of the board

Possible to have Elitca Ganeva, our summer intern, continue to work on organizing data analysis related to 4CAST.

Submitted August 7, 2024.

Signed, Daniel Twitchell/Secretary

A handwritten signature in black ink, appearing to read "Daniel Twitchell", written over a horizontal line.

CASCADE HEAD BIOSPHERE COLLABORATIVE
September 19, 2024 Board Meeting

The following members were present constituting the entire board:

Duncan Berry
Daniel Twitchell
Paul Robertson
Mary Guss
Steve Percy

Meeting was called to order at the scheduled time.

The Board discussed the following matters:

RLFF grant opportunity for \$16,000. Try to tie to a partner for another 16,000 – To total \$32k
Duncan and Paul to put together a presentation for RLFF
Duncan, Paul and Steve will work on a grant

Meyer Memorial

53K Budget as a match with NOAA funding
Start the 7th & 8th grade curriculum possibly
Develop 5 videos
Also infuse work with Native Americans
Will submit application on Sept. 23rd

Paul will produce the report for OCF

Planning for Welcoming the Salmon Home

Respond to Kim at LC about a meeting for next year
Meeting scheduled for October 2 at 2 p.m. in the ELC offices

CHSRA II – Nov. 13th

Green Hospitality Program

Branding – we will design; LC will run with it
Duncan will work on the design
Steve will work on one-or-two pager for Kim
Sustainable Travel
Model/resource – Global Sustainable Tourism Council
Work with another NGO?

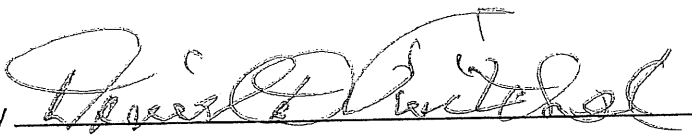
Set-up for Annual Meeting
Dec. 12th 2:00-6:00, 1540 NW 22nd St.

- Budget 2025
- Strategic Plan 2025
- Discuss Three Pillars
- Event Plan for 2025
- Green Hospitality
- Board Development
- Administrative Details
- Determine Committee structure
 - Volunteers
 - Finance/Accounting/Budgeting
 - Programs
 - Education
 - Governance
- Determine Assignments

- Review of Strategic Plan
- Green Hospitality Program
- Budget Planning for 2025
- Education Planning for 2025
- Lease of Office Space

Submitted September 19, 2024

Signed, Daniel Twitchell/Secretary



FORM 990-EZ

Department of Treasury
Internal Revenue Service

**Short Form
Return of Organization Exempt
From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

OMB No. 1545-1150

2023

Open To Public Inspection

A For the <u>2023</u> calendar year, or tax year beginning <u>01/01/2023</u> , and ending <u>12/31/2023</u>							
B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input checked="" type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;">C Name of Organization <u>CASCADE HEAD BIOSPHERE COLLABORATIVE</u></td> <td style="width:30%;">D Employer ID number <u>92-1694289</u></td> </tr> <tr> <td>Number and Street (or P.O. box, if mail is not delivered to street address) <u>2750 FOUR CREEKS RD</u></td> <td>E Telephone number <u>5419214969</u></td> </tr> <tr> <td>City or town, state or country, and Zip + 4 <u>OTIS, OR 97368-9503</u></td> <td>F Group Exemption Number</td> </tr> </table>	C Name of Organization <u>CASCADE HEAD BIOSPHERE COLLABORATIVE</u>	D Employer ID number <u>92-1694289</u>	Number and Street (or P.O. box, if mail is not delivered to street address) <u>2750 FOUR CREEKS RD</u>	E Telephone number <u>5419214969</u>	City or town, state or country, and Zip + 4 <u>OTIS, OR 97368-9503</u>	F Group Exemption Number
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City or town, state or country, and Zip + 4 <u>OTIS, OR 97368-9503</u>	F Group Exemption Number						
G Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other:							
I Website: <u>https://www.cascadehead.org/</u>							
J Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) <input type="checkbox"/> 4947(a)(1) <input type="checkbox"/> 527							
<input type="checkbox"/> Check if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).							

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

Check if the organization used Schedule O to respond to any question in this Part I.

1 Contributions, gifts, grants, and similar amounts received.	\$	47633
2 Program service revenue including government fees and contracts	\$	12284
3 Membership dues and assessments	\$	0
4 Investment income	\$	0
5a Gross amount from sale of assets other than inventory	\$	0
5b Less: cost or other basis and sales expenses	\$	0
5c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	\$	0
6 Gaming and fundraising events		
6a Gross income from gaming (attach Schedule G if greater than \$15,000)	\$	0
6b Gross income from fundraising events (Not including 0 of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	\$	0
6c Less: direct expenses from gaming and fundraising events	\$	0
6d Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	\$	0
7a Gross sales of inventory, less returns and allowances	\$	135
7b Less: cost of goods sold	\$	0
7c Gross profit or (loss) from sales of inventory	\$	135
8 Other revenue	\$	0
9 Total revenue Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	\$	60052
10 Grants and similar amounts paid (list in Schedule O)	\$	0
11 Benefits paid to or for members	\$	0
12 Salaries, other compensation, and employee benefits	\$	0
13 Professional fees and other payments to independent contractors	\$	4000
14 Occupancy, rent, utilities, and maintenance	\$	0
15 Printing, publications, postage, and shipping	\$	88
16 Other expenses (describe in Schedule O)	\$	298
17 Total expenses Add lines 10 through 16	\$	4386
18 Excess or (deficit) for the year (Subtract line 17 from line 9)	\$	55666
19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior years return)	\$	0
20 Other changes in net assets or fund balances (explain in Schedule O)	\$	0
21 Net assets or fund balances at end of year. Combine lines 18 through 20	\$	55666

Part II Balance Sheets (see the instructions for Part II)

Check if the organization used Schedule O to respond to any question in this Part II.

22	Cash, savings, and investments	\$ 0	\$ 55666
23	Land and buildings	\$ 0	\$ 0
24	Other assets (describe in Schedule O)	\$ 0	\$ 0
25	Total assets	\$ 0	\$ 55666
26	Total liabilities (describe in Schedule O)	\$ 0	\$ 0
27	Net assets or fund balances (line 27 of column (B) must agree with line 21)	\$ 0	\$ 55666

Part III Statement of Program Service Accomplishments (see the instructions for Part III)

Check if the organization used Schedule O to respond to any question in this Part III.

What is the organizations primary exempt purpose?

The purpose of the Cascade Head Biosphere Collaborative is to create, through education, art, research and public involvement, a vibrant place for all species to work, live and play. We have three distinct, but synergistic programs: EDUCATION - CLIMATE - COMMUNITY. A) We have developed and provided 21st Century Environmental Education to three different school districts and over a thousand of students. B) Conducted high quality climate data through the use of crowd-sourced, community science across four interconnected habitats from forest to sea, and C) Engaged a wide range of community members through art workshops, marine reserve connected sand art, field experiences, art & science presentations, and community events. The sentinel site for all of these offerings is the unique land sea connection within the UNESCO Cascade Head Biosphere Region, including the Cascade Head Experimental Forest, Cascade Head Marine Reserve and the three Cascade Head Marine Protected Areas.

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

Expenses
(Required for section 501(c)(3) and 501(c)(4) organizations;

28 Description: Education: Scoping and Initial development of "Exploring Nature's Families", 6 part video and teaching curriculum for 1st and 2nd graders, approximately 270 students, 15 instructors.
(Grants: \$ 20900)

28a
\$ 0

If this amount includes foreign grants, check here

29 Description: Climate: Participation in and stewardship of Coastal Climate Change and Community Art, Science and Tradition Project (aka 4CAST Project). Serving Population > 10,000
(Grants: \$ 10100)

29a
\$ 0

If this amount includes foreign grants, check here

30 Description: Community: We put on a series of community events and workshops including Art on the Beach, Sand Art Contest, Gyotaku printing. Attendees > 1,000
(Grants: \$ 15000)

30a
\$ 4387

If this amount includes foreign grants, check here

31 Other program services (describe in Schedule O)
(Grants: \$)

31a

Check if this amount includes foreign grants

32 Total program service expenses (add lines 28a through 31a)

\$ 4387

Part IV List of Officers, Directors, Trustees, and Key Employees (list each one even if not compensated—see the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV.

(a) Name and title	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC/1099-NEC) (if not paid, enter -0-)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
Duncan Berry, Co-Director	25.00	\$ 0	\$ 0	\$ 0
Dan Twitchell, Co-Director	20.00	\$ 0	\$ 0	\$ 0
Mary Guss, Board Member	10.00	\$ 0	\$ 0	\$ 0
Paul Robertson, Board Member	10.00	\$ 0	\$ 0	\$ 0

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V.)

Check if the organization used Schedule O to respond to any question in this Part V.

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34 Were any significant changes made to the organizing or governing documents? If Yes, attach a conformed copy of the amended documents if they reflect a change to the organization name. Otherwise, explain the change on Schedule O. See instructions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35b If "Yes" to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>

35c	Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions.	\$	0
37b	Did the organization file Form 1120-POL for this year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38b	If "Yes," complete Schedule L, Part II and enter the total amount involved.	\$	
39	Section 501(c)(7) organizations. Enter:		
39a	Initiation fees and capital contributions included on line 9	\$	
39b	Gross receipts, included on line 9, for public use of club facilities	\$	
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: Section 4911: Section 4912: 0 section 4955: 0		
40b	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part 1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40c	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers of disqualified persons during the year under sections 4192, 4955, and 4958.		
40d	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization.		
40e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41	List the states with which a copy of this return is filed: OR		
42a	The organization books are in care of Paul Robertson, Telephone no. 5419214949 Located at 1746 NE Lee Pl, Lincoln City, OR, 97367		
42b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42c	At any time during the calendar year, did the organization maintain an office outside the United States? If "Yes," enter the name of the foreign country:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 - Check here: Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041: Enter the amount of tax-exempt interest received or accrued during the tax year.	\$	0
44a	Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44b	Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44c	Did the organization receive any payments for indoor tanning services during the year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44d	If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45b	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46	Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part VI Section 501(c)(3) organizations only

All section 501(c)(3) organizations must answer questions 47-49b and 52, and complete the tables for lines 50 and 51. Check if the organization used Schedule O to respond to any question in this Part V.

		Yes	No
47	Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48	Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49a	Did the organization make any transfers to an exempt non-charitable related organization?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Articles of Amendment - Nonprofit

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200



FILED: APR 5, 2023
OREGON SECRETARY OF STATE



207151093-24674681

REGISTRY NUMBER: 2 0 7 1 5 1 0 9 3 _

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public. We must release this information to all parties upon request and it will be posted on our website.

CASCADE HEAD BIOSPHERE...

AMDART

Please Type or Print Legibly in Black Ink.

1) ENTITY NAME: CASCADE HEAD BIOSPHERE COLLABORATIVE

2) STATE THE ARTICLE NUMBER(S): and set forth the article(s) as it is amended to read. (Attach a separate sheet if necessary.)

Article 5 is amended to read: The purpose of the Cascade Head Biosphere Collaborative is to create, through education, art, research and public involvement, a vibrant place for all species to live, work and play.

3) THE AMENDMENT WAS ADOPTED ON: MARCH 23, 2023

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

4) CHECK THE APPROPRIATE STATEMENT:

5) Membership approval was not required. The amendment(s) was approved by a sufficient vote of the board of directors or incorporators.

6) Membership approval was required.
The membership vote was as follows:

Class(es) entitled to vote	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

7) EXECUTION: (Must be signed by at least one officer or director.)

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

Signature:

Printed Name:

Title:

Daniel Twitchell

Secretary/Co-Director

CONTACT NAME: (To resolve questions with this filing.)
Daniel Twitchell

PHONE NUMBER: (Include area code.)
503-474-7432

FEES
Required Processing Fee \$50
No Fee for Nonprofit Type Change.
Processing Fees are nonrefundable. Please make check payable to "Corporation Division."
Free copies are available at sos.oregon.gov/business , using the Business Name Search program.



**COMMUNITY PARTNERSHIP FUND AGREEMENT: GENERAL
TERMS, CONDITIONS AND UNDERSTANDINGS**

The City of Lincoln City ("City") awards Cascade Head Biosphere Collaborative ("Recipient") Six Thousand Four Hundred and Eight Dollars \$6,408 made and entered into this 24th day of June, 2024, by and between the City of Lincoln City, by and through Explore Lincoln City, pursuant to the following terms, conditions and understandings:

1. City will distribute funding awards upon satisfactory completion of the Scope of Work document, attached hereto and incorporated thereby in Exhibit A, supporting documents, and signature on this Agreement by the business, and if necessary, the property owner. The City will distribute 90% of the amount of the award upon execution of the agreement and the remaining 10% upon receipt of the final Project Status Report. City may withhold funds if, in its sole discretion, Recipient fails to complete and remit any required documents, is in breach of this Agreement, or provides false information in the application process or in this Agreement. This agreement shall become effective upon the date of execution by the City and shall expire, unless otherwise terminated or extended, on completion of the project work or August 31, 2024 whichever comes first. Recipient shall initiate services immediately upon receipt of City's notice to proceed or receipt of an executed copy of this Agreement. All work under this Agreement shall be completed prior to the expiration of this Agreement.

2. Business Entity Status.
 - (a) Recipient shall notify City of any change in business entity status, including but not limited to changing from a sole proprietor to an LLC, dissolving the business entity.
 - (b) Recipient shall notify City if Recipient ceases operating the business.
 - (c) Recipient shall notify City if it files a petition for bankruptcy.
 - (d) If Recipient is a nonprofit (501(c)(3) and 509(a)(1), (2), or (3) of the Internal Revenue Code of 1986 as amended, Recipient warrants that there are no issues presently pending before any office of the Internal Revenue Service or the Oregon Department of Justice that could result in any proposed changes to its tax-exempt status under Sections 501(c)(3) and 509(a) of the Code, and Recipient covenants to return the funding if its tax exempt status changes or its nonprofit corporate entity status changes.
 - (e) Recipient must have a City of Lincoln City Business license as a

condition of this funding. Loss of business license during the Scope of Work is a breach of this Agreement.

3. **Expenditure of Funds:** This funding (together with any income earned upon investment of funds) is made for the purpose described in the Scope of Work, and may not be expended for any other purpose without City's prior written approval. City reserves the right to discontinue, modify or withhold any payments to be made under this funding award or to require a total or partial refund of any funding if, in City's such action is necessary in the event Recipient, misappropriates the funding or has not fully complied with the terms and conditions of this Agreement.
4. **No Assignment or Delegation:** Recipient shall not assign, or otherwise transfer, its rights or delegate any of Recipient obligations under this funding without prior written approval from City.
5. **Records and Reports:** Recipient shall keep a record of all receipts and expenditures relating to this funding separately accounted for and to provide City with a written report summarizing the project and Recipient shall provide this report upon request by City. Recipient reports should describe Recipient progress in achieving the purposes of the funding and include a detailed accounting of the uses or expenditure of all funding. Recipient agrees to provide a sampling of zip code data of participants for each event. Recipient also agrees to provide any other information reasonably requested by City.
6. **Required Notification:** Recipient shall provide City with immediate written notification of: (1) any changes in Recipient organization's business entity status; (2) Recipient's inability to expend the funding for the purposes described in Exhibit A; or (3) any expenditure from this funding made for any purpose other than those for which the funding was intended.
7. **Reasonable Access for Evaluation:** Recipient will permit City and its agents, employees, and representatives reasonable access during regular business hours to Recipient's premises and Scope of Work site, files, records, accounts, personnel, for the purpose of making such financial audits, verifications, or program evaluations as City deems necessary or appropriate concerning this funding award.
8. **Publicity:** City and its agents, contractors, and designees are solely responsible for advertising and promoting this grant, the Agreement. Original content, including but not limited to photos, text, logs, designs, is owned by the City and its agents, and Recipient may use the City's

original content only on written consent by the City. Recipient may advertise this funding on its own, however, prior to publication, Recipient must submit the proposed publication to City for review and approval of any text, images, and content of any proposed publicity concerning this grant, the Agreement, the Scope of Work, or Lincoln City. City may include information regarding the funding, including the amount and purpose of the grant, any photographs Recipient may have provided, Recipient logo or trademark, or other information or materials about Recipient organization and its activities, in City's periodic public reports, newsletters, and news releases.

9. **Compliance with Laws.** Recipient will comply with all laws, rules, regulations, tax obligations, and orders of any Governmental Authority applicable to its business, its property.
10. **Time of Essence.** Time is of the essence with respect to all dates and time periods set forth or referred to in this Agreement. If City does not receive signed copies of this Agreement and of these general funding terms within 14 days after the date of City's funding award letter, this funding may be revoked.
11. **Notices.** All notices and other communications under this Agreement must be in writing and will be deemed to have been given if delivered personally, sent by facsimile (with confirmation), mailed by certified mail, emailed (with confirmation received by recipient) or delivered by an overnight delivery service (with confirmation) to the parties at the following addresses or facsimile numbers (or at such other address or facsimile number as a party may designate by like notice to the other parties):

Kim Cooper Findling, Director
 Explore Lincoln City
 801 SW Hwy. 101, Suite 401
 Lincoln City, OR 97367
 Fax: (541) 994-2408
 Email: kcooperfindling@lincolncity.org

Duncan Berry, Co-Director
 Cascade Head Biosphere Collaborative
 801 SE Highway 101, Suite A
 Lincoln City, OR 97367
 (206) 697-0204
duncan@cascadehead.org

- 12. Breach and Remedies.** Recipient's failure to comply with any term of this Agreement constitutes a breach. City shall provide written notice to Recipient within ten (10) days of any determination that Recipient has breached a term of this Agreement. City shall afford Recipient an opportunity to cure said alleged breach upon mutually agreeable terms. Failure to agree on mutually agreeable terms for cure within ten (10) days shall be grounds for the immediate termination of this Agreement by City. Upon termination, Recipient must repay the entire funding amount, subject to the City's sole discretion to accept less than the entire funding amount for partially completed Scope of Work. If the City must pursue litigation to recover its grant, punitive damages are an available additional remedy.
- 13. Indemnification.** Recipient will indemnify and hold harmless City if City is a party to or is threatened to be made a party to any proceeding against all expenses, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the City in connection with the proceeding, but only if the City acted in good faith and in a manner that the City reasonably believed to be in, or at least not opposed to, the best interests of the Recipient and, in the case of a criminal proceeding, in addition, had no reasonable cause to believe that the City's conduct was unlawful.
- 14. Attorney Fees.** If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Agreement, to rescind this Agreement, or otherwise with respect to the subject matter of this Agreement, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and, if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.
- 15. Entire Agreement.** This Agreement (including the documents and instruments referred to in this Agreement) constitutes the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior understandings and agreements, whether written or oral, among the parties with respect to such subject matter, and any amendment to this Agreement shall be in writing, acknowledged and consented to by the City.

REQUEST FOR FUNDING/SCOPE OF WORK

Description of the Tourism Product to be Funded:

The Cascade Head Biosphere Collaborative is a 501(c)(3) non-profit corporation whose purpose and passion are to collaborate with partners and volunteers to make this a vibrant place for all species to work, live and play.

Our mission is also to foster generations of engaged stewards where nature has rights, art illuminates science, and research drives climate action.

The Cascade Head Biosphere Collaborative is well along in the planning and organizing of a celebration marking the 50th anniversary of the passage of the Cascade Head Scenic Research Act. The event will take place from 11 a.m. to 2 p.m. on June 29, 2024 at the headquarters of the Experimental Forest. The US Forest Service is a partner in the events but with very little ability to contribute financially.

Activities to take place on the 29th include: speeches by local historians, politicians and tribal representatives; music; food; and tabling by local organizations. We anticipate approximately 200 people will attend, both locals and visitors to the community.

Funding from the City of Lincoln City would assist with these activities surrounding CHSRA’s anniversary celebration and informational outreach.

Funding from Explore Lincoln City to contribute to the event budget:

Rental of tent, chairs, tables, PA system and screen	\$2718
Food (catering or a food truck) for 200 visitors	\$2000
Creation of a video celebrating CHSRA	\$ 300
Creation of informational flyer to distribute	\$ 250
Music	\$ 450
Rental of two portable toilets	\$ 290
Hall rental	\$ 250
Coffee/small snacks	\$150
TOTAL	\$6,408

The undersigned certify that they are duly elected and authorized officers of the Recipient and that, as such, are authorized to accept this funding on behalf of the Recipient, to obligate the Recipient to observe all of the terms and conditions placed on this grant, and in connection with this funding to make, execute and deliver on behalf of the Recipient all funding agreements, representations, receipts, reports and other instruments of every kind.

ACCEPTED AND AGREED TO:

RECIPIENT

CITY OF LINCOLN CITY

Duncan Berry

Kim Cooper Findling

Signature

Signature

Duncan Berry,
Co-Director
Cascade Head Biosphere Collaborative

Kim Cooper Findling,
Director, Explore Lincoln City

06 / 11 / 2024

06 / 11 / 2024

Date

Date

APPROVED TO FORM:

David James Robinson

[Signature]

ATTORNEY

Signature

Signature

Daphnee Legarza,
City Manager, City of Lincoln City

06 / 11 / 2024

06 / 21 / 2024

Date

Date

Funding Agreement: Exhibit A Scope of Work

Project Description (Scope of Work):



Guidelines

xx

Thank you for partnering with Explore Lincoln City this season as a program leader. These guidelines are meant to be gentle reminders about expectations and talking points throughout the season. We appreciate your knowledge, time and efforts to make the Explorance program thrive.

Familiarize Participants with Explorances

- Explorances are complimentary programs of Explore Lincoln City and the City of Lincoln City with no reservation required.
- Please make sure to wear either Explorance or Explore Lincoln City logoed gear to not only identify to participants that you are the expert, but to also represent yourselves as program leaders for Explore Lincoln City.
- You are a representative of Explore Lincoln City. As such, introduce yourself and explain the program. Ensure that attendees complete the emergency contact form and survey before each Explorance begins. Return these documents to ELC.
- Make sure to explain how people can find and use the Bandwango digital passport on ELC's website. When needed, help guide participants through the process. Make sure to give the four-digit pin so that they can receive their digital coin. If participants choose to not use Bandwango, please give them a wooden token. Note that if participants complete five Explorances, they will become a member of Explore Lincoln City's Explorer's Club.
- Highlight Explore Lincoln City events such as: All other Explorances in the program, Kite Festivals, Fourth of July, Deck the Dock.

Encourage Stewardship

- Always be mindful of leaving the natural environment the way you found it.
- Make sure to pack in what you pack out. Be mindful of sensitive habitats such as tide pools, sea stacks, and protect flora and fauna.
- In the event that a guest brings along a family pet, please respect Lincoln City's leash law to ensure safety for wildlife, other visitors and your pet. Note that dogs are not allowed on Cascade Head or any section of the Biosphere Explorience including Knights Park.
- Attendees are encouraged to pick up trash along the beach in Lincoln City. Attendees may send Explore Lincoln City a photo of their debris bag and be eligible to win a handmade glass float as part of Explore Lincoln City's Trash for Treasures program.

Emphasize Safety

- Stay attuned to the tide schedules and weather patterns and remain aware of your surroundings while near the sea. Steer clear of loose driftwood, slippery rocks, and potential hazards in the sand.
- Sneaker waves catch people off guard every year. Never turn your back on the ocean. Even when the water is only ankle or knee-deep, coastal riptides can pull anyone out and under. Always recreate responsibly and safely.
- Remember to stay on official trails and be mindful of surroundings at all times.

And last but certainly not least, have fun!

Explorience Dates

In message

Stephanie Hull <shull@lincolncity.org>

Tue, Feb 13, 2024 at 9:32 AM

To: Dan Twitchell <dan@cascadehead.org>, Dan Twitchell <dantwitchell@gmail.com>, Paul Robertson <paul@robertsonenvironmental.com>, Cascade Head <biosphere@cascadehead.org>

Cc: Kim Cooper Findling <kcooperfindling@lincolncity.org>, Tyrel Trainor <ttrainor@lincolncity.org>

Good morning everyone,

Margery was able to send potential dates for the 2024 Explorience season. I know that the initial pitch was for 6-8 Exploriences, would it be possible to pick dates from the list below that will work for you guys? I'm thinking if we can get 6-8 dates with two alternatives in case of emergency, that would be perfect! As soon as we get the dates set, we can move forward with the contract.

- May 1st (Wed)
- May 11th (Sat)
- June 15th (Sat)
- July 11th (Thurs)
- Aug 11th (Sun)
- Aug 23rd (Fri)
- Sept 14th (Sat)
- Sept 18th (Wed)
- Oct 5th (Sat)
- Oct 20th (Sat)

Also, I wanted to circle back to see if there are any updates on the speaker for March Science on Tap event? Our first Industry News letter goes out on February 20th and we would like to highlight the event if details are available in the next few days.

Happy Tuesday!

Stephanie Hull

EVENT & OUTREACH COORDINATOR

49b	If "Yes," was the related organization a section 527 organization?	<input type="checkbox"/>	<input type="checkbox"/>
50	Complete this table for the organizations five highest compensated employees (other than officers, directors, trustees, and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None." -- none --		
50f	Total number of other employees paid over \$100,000		0
51	Complete this table for the organizations five highest compensated independent contractors who received more than \$100,000 of compensation from the organization. If there is none, enter "None." -- none --		
51d	Total number of other independent contractors each receiving over \$100,000		0
52	Did the organization complete Schedule A? Note: All section 501(c)(3) organizations must attach a completed Schedule A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Council Communication

Presentation - Lincoln City Housing Production Roadmap

Meeting Date:	October 28, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	Administration	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 min

Rachel Cotton, Senior Associate, with Cascadia Partners will be presenting information regarding the Lincoln City Housing Production Roadmap.

Attachments:

Lincoln City Housing Production Roadmap (PDF)



Lincoln City Housing Production Roadmap

City Council Meeting #1

10.28.2024



AGENDA

1

Project Background - Housing Production Roadmap

2

Lincoln City's Housing Need

3

Policy Framework for the Housing Production Roadmap

The Housing Production Roadmap will provide a near-term housing-related work program.

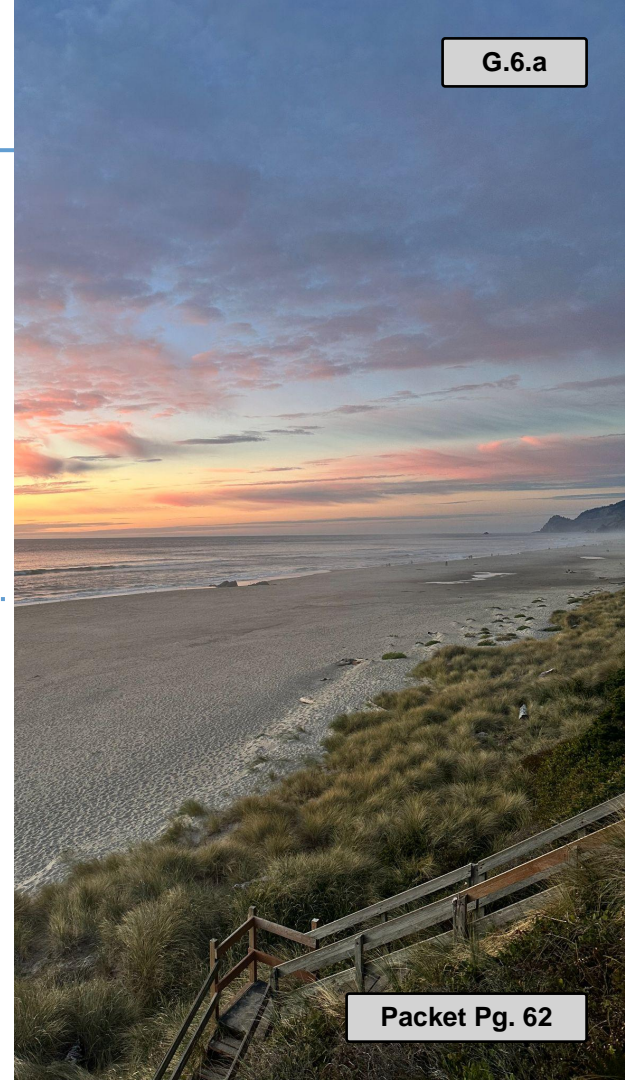
Lincoln City received grant funding in 2023-25 to create a **Housing Production Roadmap**, with goals to:

- Lay a foundation for the future Housing Production Strategy
- Help the City to identify and prioritize housing-related actions that can be implemented prior to 2028

Lincoln City must produce a **Housing Capacity Analysis by 2027**

Lincoln City must produce a **Housing Production Strategy by 2028:**

- a new **state requirement** for all cities in Oregon with a population over 10,000.
- must be updated each time the Housing Capacity Analysis (HCA) is **updated, every 6-8 years.**
- must identify **strategies and actions** the city will take to facilitate development of needed housing

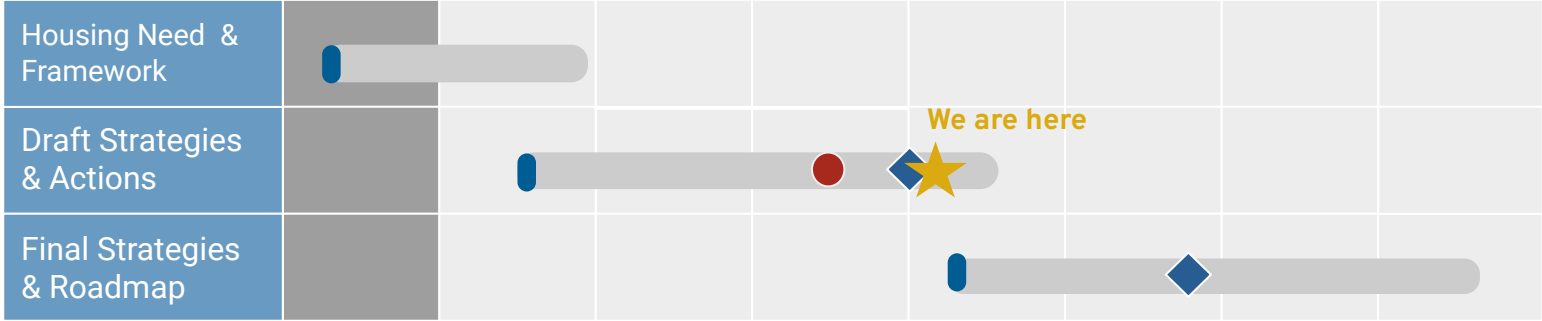


Housing Production Roadmap - Schedule and Next Steps

2024



2025



- ENGAGEMENT
- ◆ Planning Commission & City Council Meetings
 - Engagement with Housing Producers

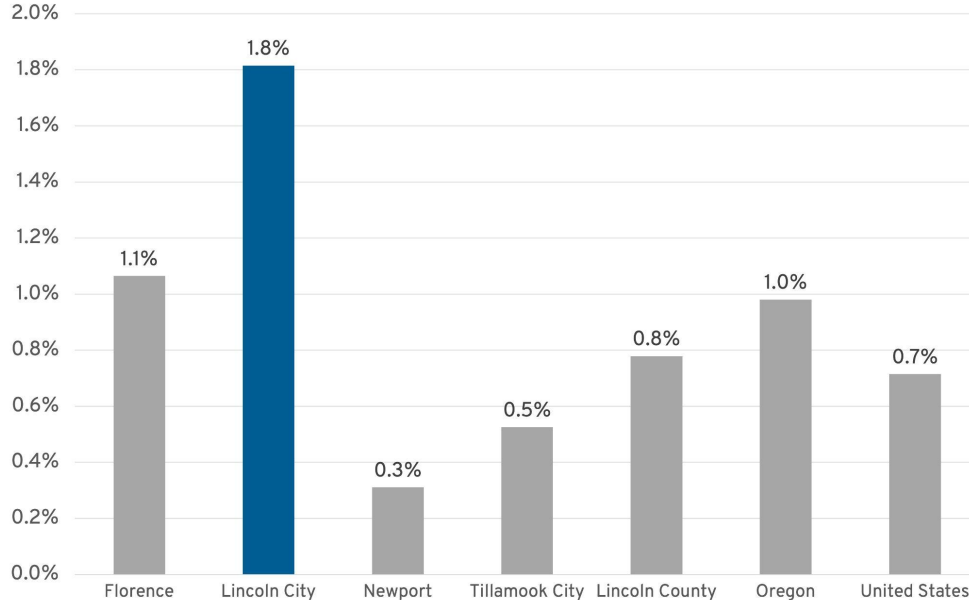
Adding Context to Lincoln City's Housing Need

- What is Lincoln City's housing need?
- How is the need impacting affordability overall and for different groups?
- How much and what type of housing is being produced?

Contextualized Housing Need

Lincoln City grew at a faster rate between 2010 and 2022 than the state, nation, county, and peer cities.

Population Growth (2010-2022)

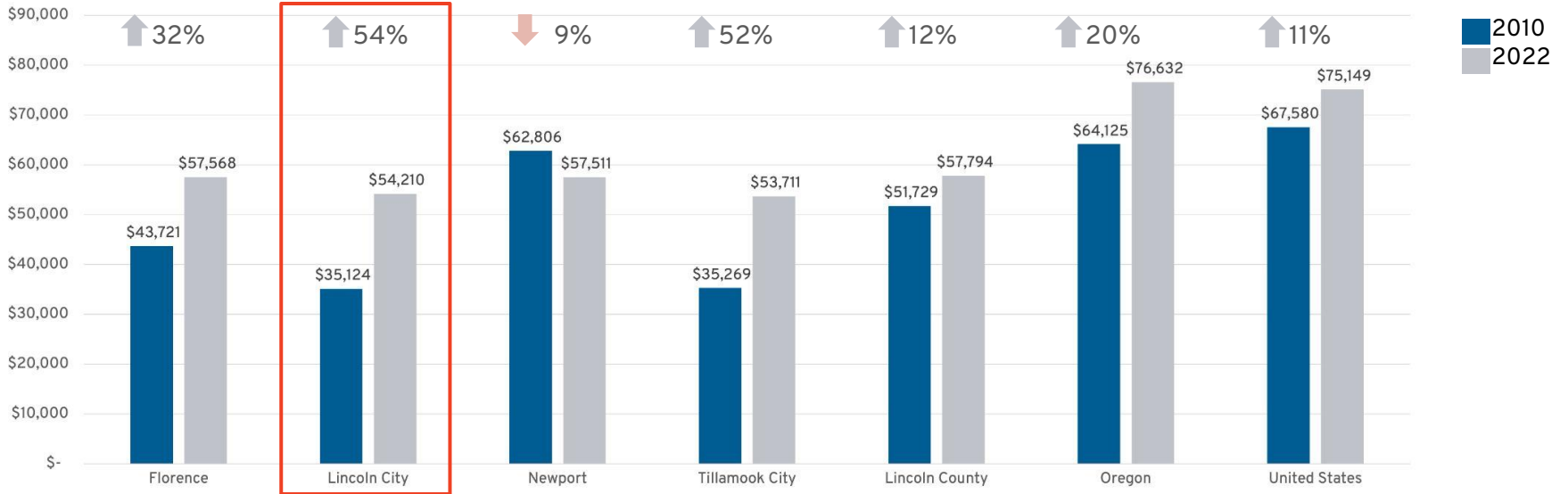


Population Counts and Annual Growth Rate (2010-2022), American Community Survey Table B03002

Contextualized Housing Need

Lincoln City's average household income was \$54,210 in 2022, an increase of 54% since 2010.

Median household Income (\$2022 inflation adjusted dollars)

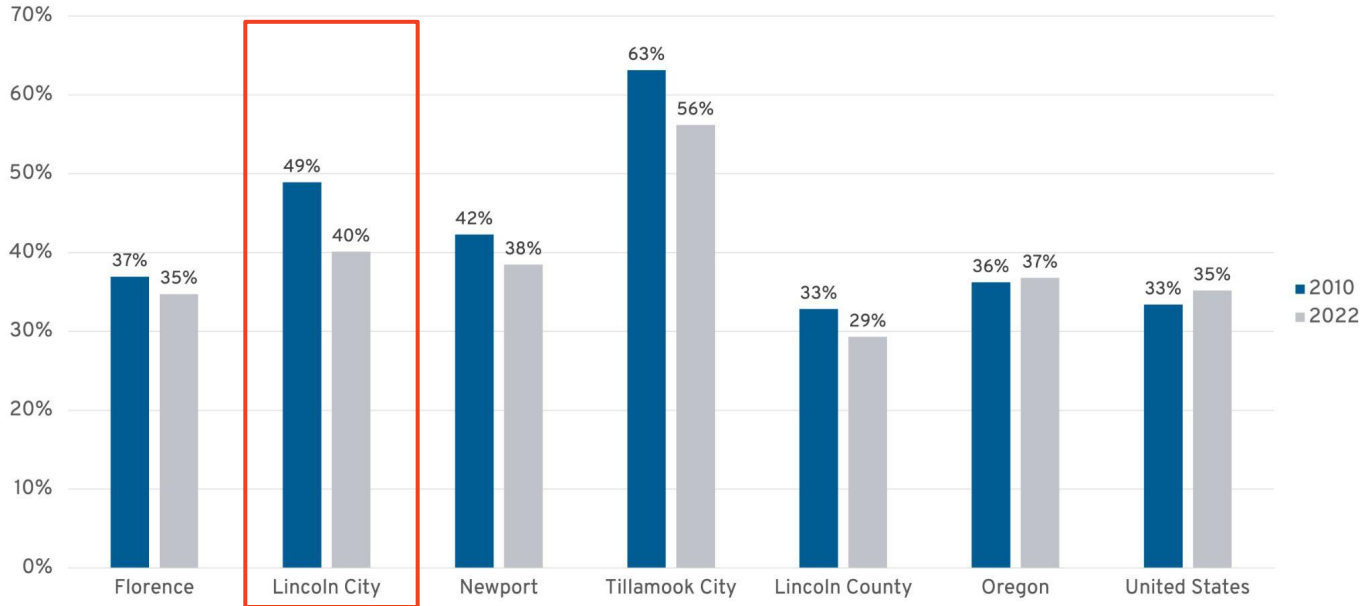


Inflation-adjusted (2022 dollars) median household income, American Community Survey Table B19013

Contextualized Housing Need

As more affluent households buy homes and move to Lincoln City, renting is becoming less common.

Percent of Households that are Renters

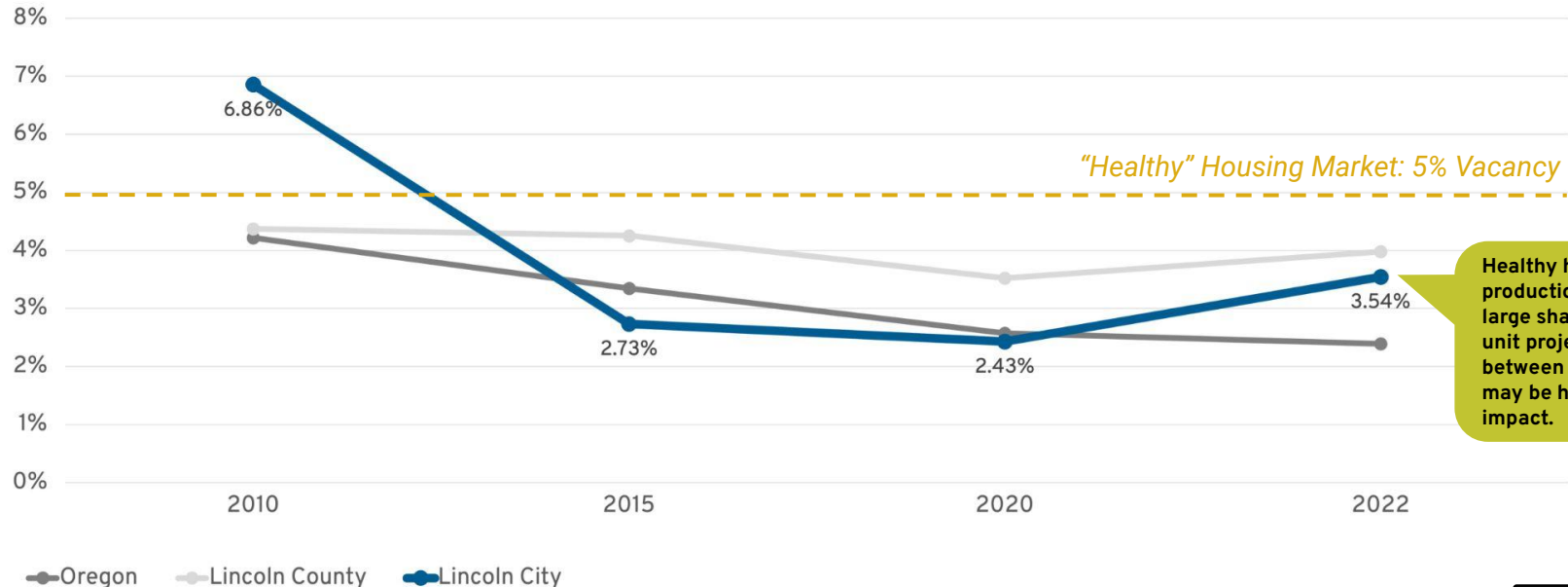


Count and Percent Population by Renter vs. Owner, American Community Survey Table B25003

Contextualized Housing Need

Undermet need is leading to a tight market. Lincoln City's vacancy rate is close to half of what it was a decade ago.

Residential vacancy rate over time (2010-2022)

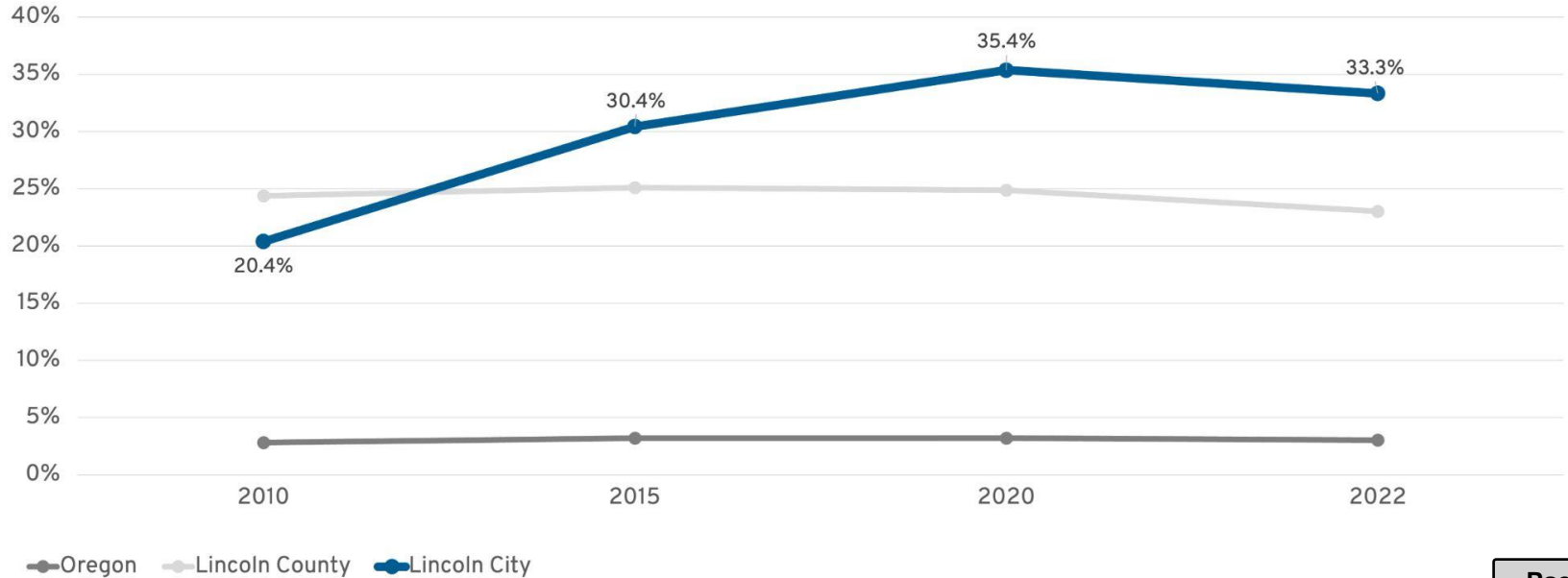


Healthy housing production, including a large share of multiple unit projects developed between 2020-2023, may be having a positive impact.

Contextualized Housing Need

One-third of all housing in Lincoln City is vacant for seasonal and recreational use, a substantial increase since 2010.

Percent of Total Housing Units that are Vacant for Seasonal and Recreational Use (2010-2022)

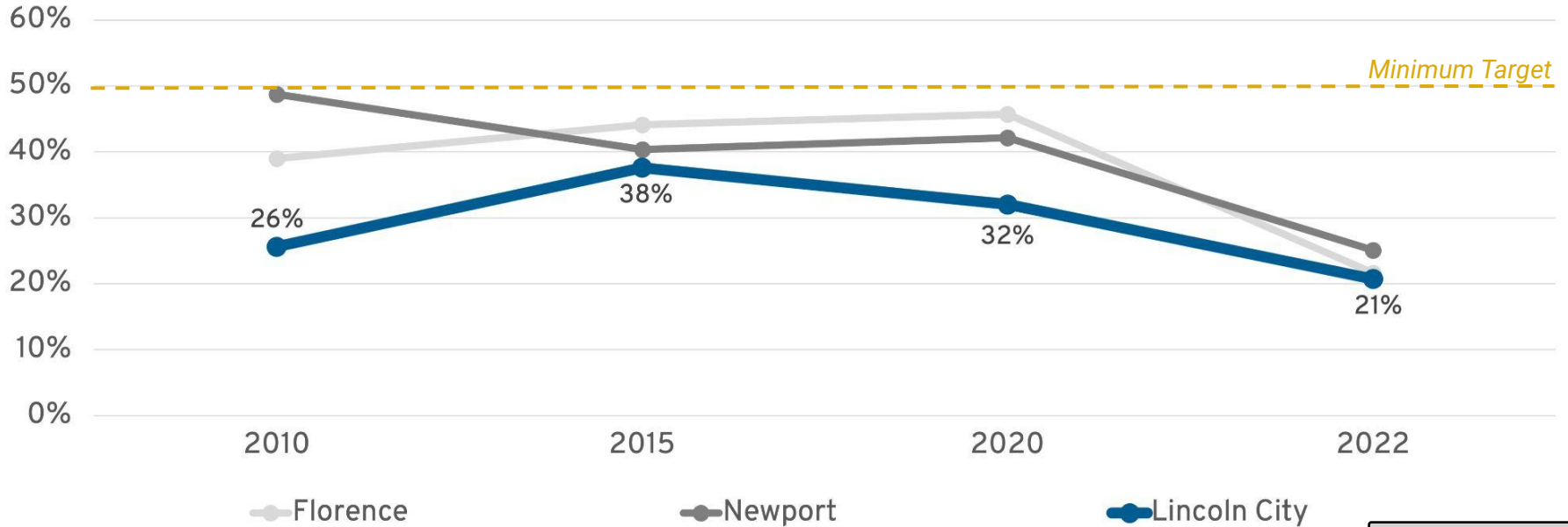


American Community Survey 5-Year Estimates, Table B25004. Excludes typical market vacancy (e.g. for sale, for rent), includes recreational and seasonal housing only

Contextualized Housing Need

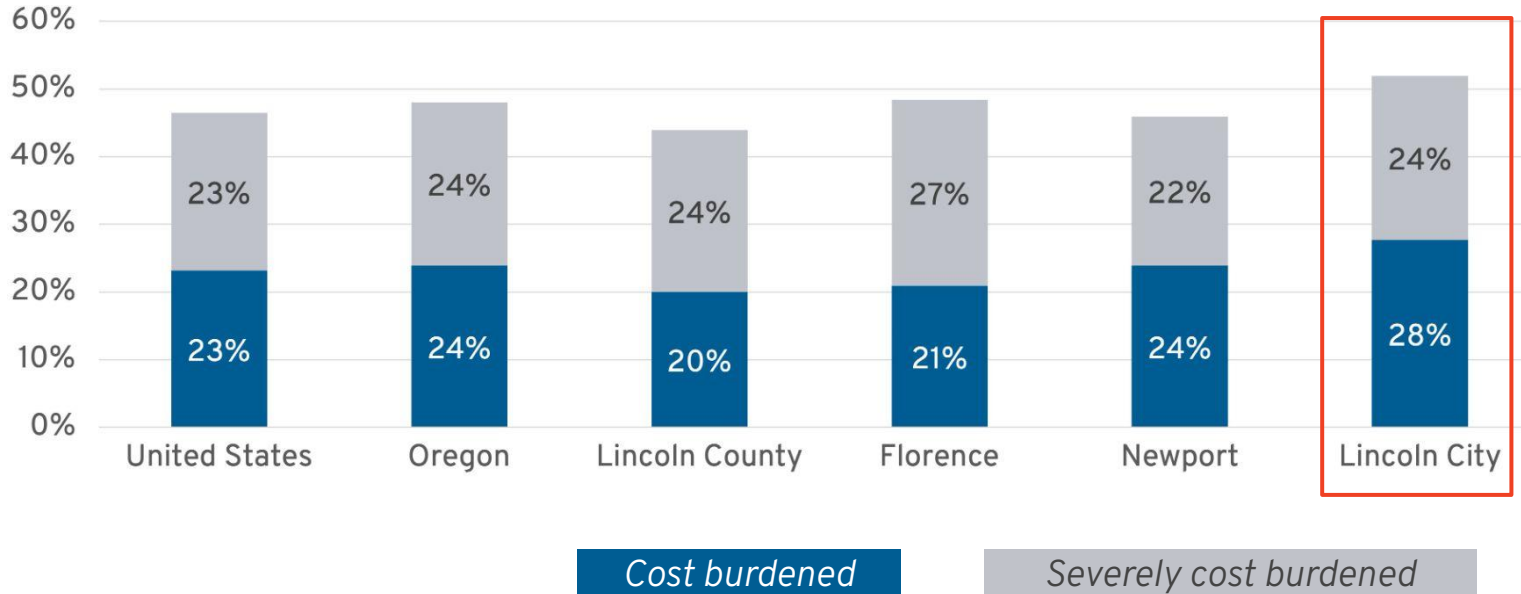
Homeownership is becoming increasingly unattainable for locals. Fewer than a quarter of Lincoln City's households can afford a typical mortgage.

Percent of households that can afford to pay a newly issued mortgage on median home over time (2010-2022)



Over half of Lincoln City's 1,874 renter households are cost burdened.

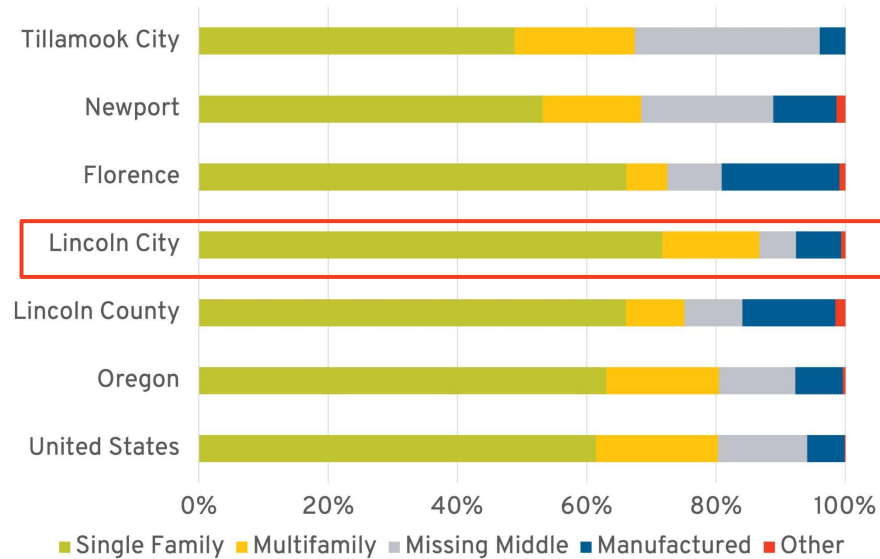
Percentage of renter households in Lincoln City that are cost burdened (2020)



Contextualized Housing Need

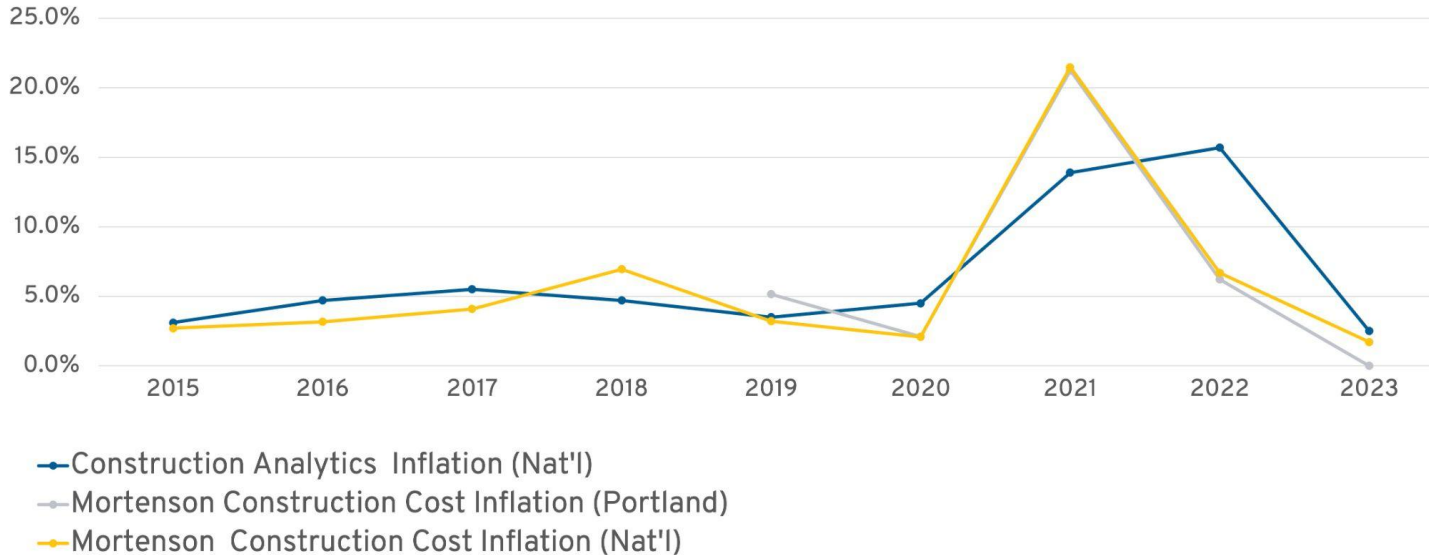
Lincoln City has a higher percentage of single family homes than peer cities and the state.

Housing Stock by Percentage of Each Housing Type (2022)



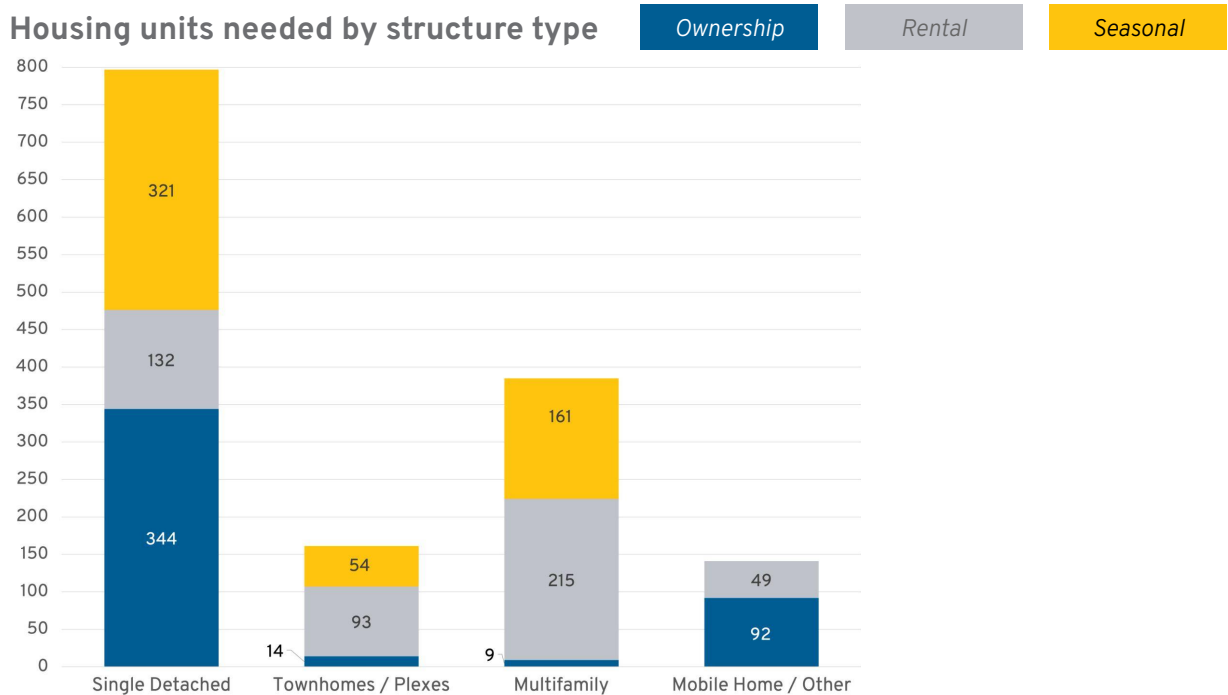
Construction cost inflation in recent years makes it more difficult for builders to reach low/moderate income households.

Percentage Year on Year Inflation in Construction Costs

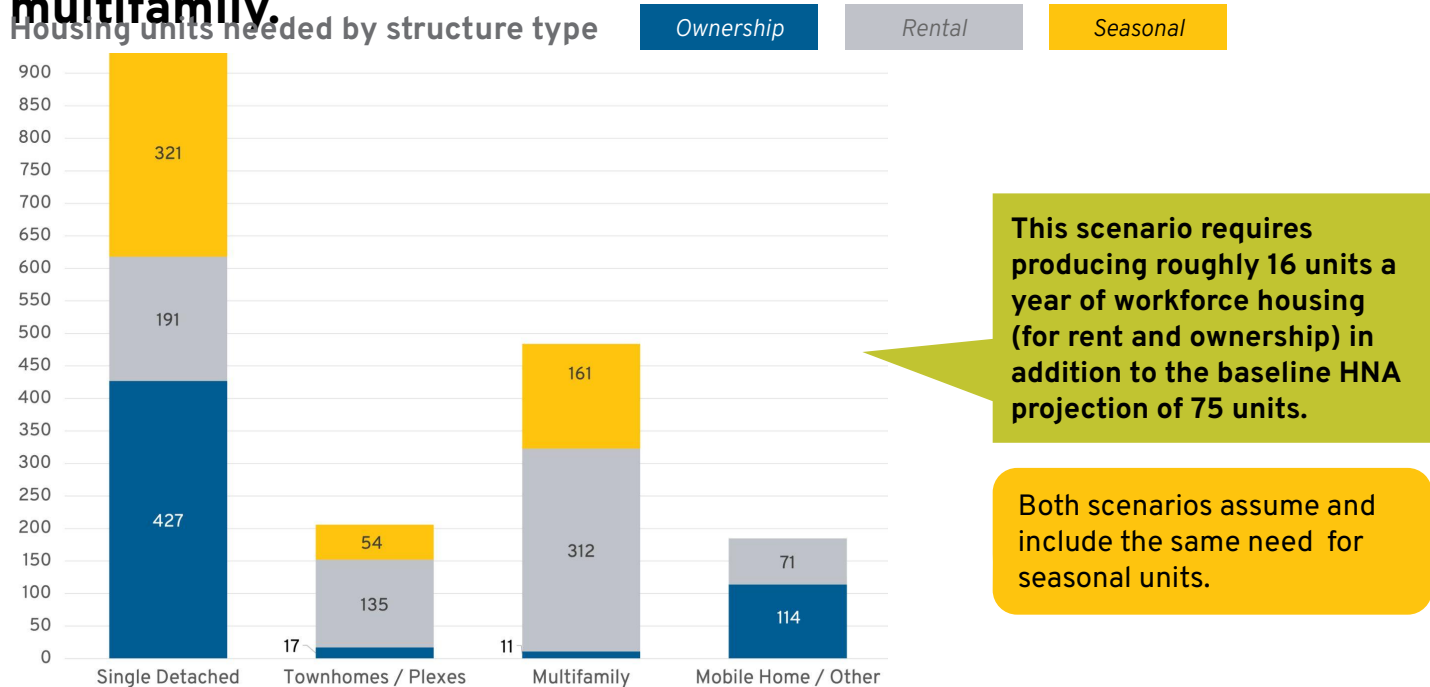


Contextualized Housing Need

The 2017 HNA projects a need for 1,484 units over 20 years (~75 per year), 37% of which should be attached or multifamily housing.



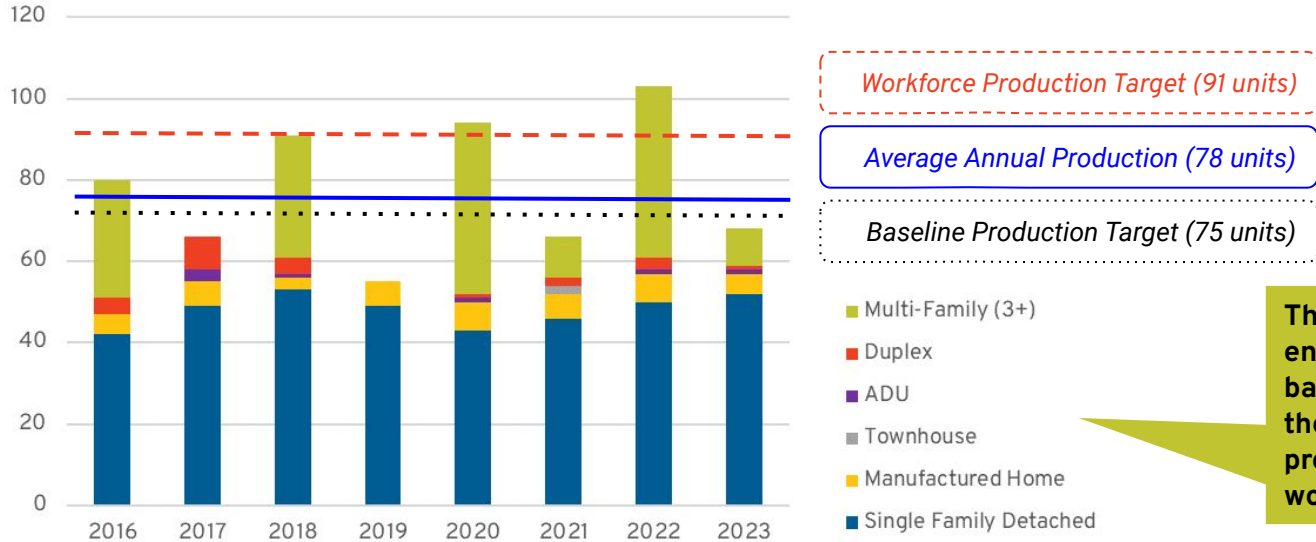
The 2017 HNA’s “workforce housing” scenario projects a 20-year need for 1,814 units (~91 per year), 38% of which should be attached or multifamily.



Contextualized Housing Need - All Housing Types

The city produced an average of 78 units a year between 2016-2023. This is below the 2017 scenario of projected workforce need.

All housing units permitted by structure type, 2016-2026

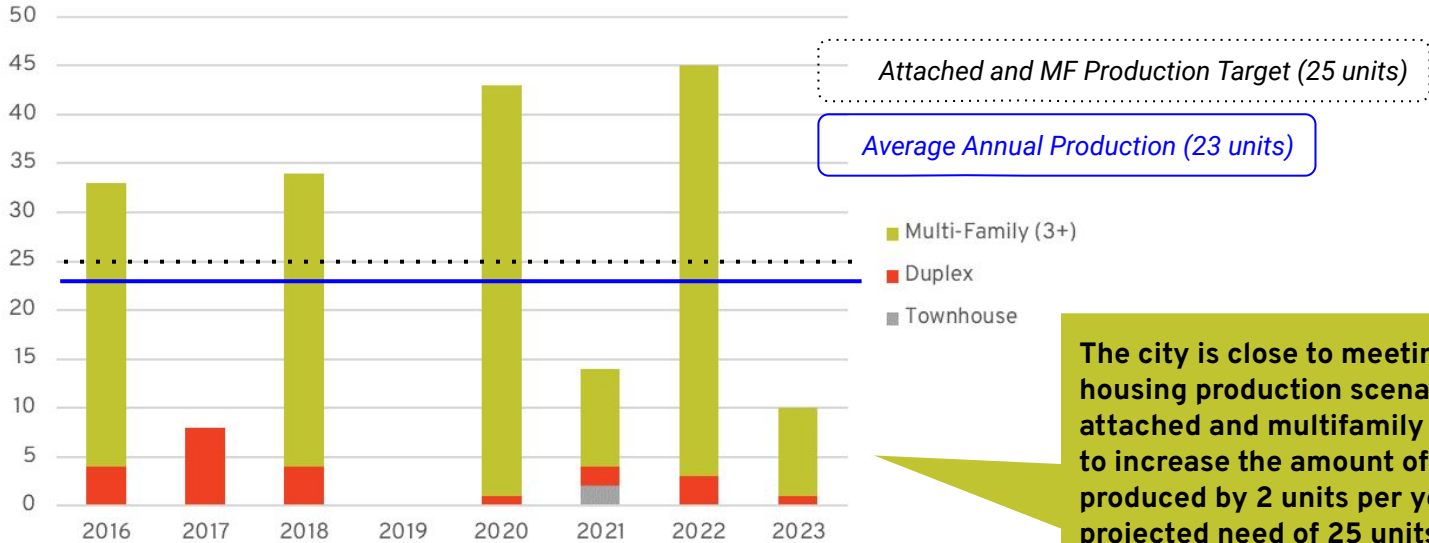


The city has been producing enough housing to meet the baseline demand projected in the 2017 HNA but is under producing for the projected workforce demand.

Contextualized Housing Need - Attached and Multifamily Housing

The city produced an average of 23 attached and multifamily units a year between 2016-2023. This is 2 units below the avg. annual workforce need.

Attached and multifamily housing permitted, 2016-2023



The city is close to meeting its workforce housing production scenario target for attached and multifamily housing. It will need to increase the amount of multi unit housing produced by 2 units per year to meet the projected need of 25 units a year.

Key takeaways from the HNA and contextualized housing need

- Lincoln City's population grew at a high rate between 2010 and 2022, as did local incomes. More affluent people are buying homes and moving to Lincoln City.
- The city's housing vacancy rate is close to half of what it was in 2010.
- Fewer than a quarter of Lincoln City's households can afford a typical mortgage, and more than half of renter households are cost burdened.
- Lincoln City has an elevated rate of disability relative to the state, and Lincoln County has a high rate of student homelessness.
- The city has been producing enough housing each year on average to meet demand but will need to increase the amount of attached and multifamily housing that is produced to meet projected middle income ("workforce") housing needs.

Policy Framework for Lincoln City's Housing Production Roadmap

- What types of policies are available to include in the Roadmap?
- How do those various policy types impact housing production?

The Roadmap: A chance to be pro-housing, plan for a wide range of needs with a wide range of actions

Roadmap actions **address various aspects of housing need** from the HNA:

- Affordability
- Housing type
- Renter or owner status

No strategy hits every target , but together strategies aim to fulfill all housing needs.

Roadmap can align with City and Council’s **pro-housing stance** , helping produce needed housing efficiently.

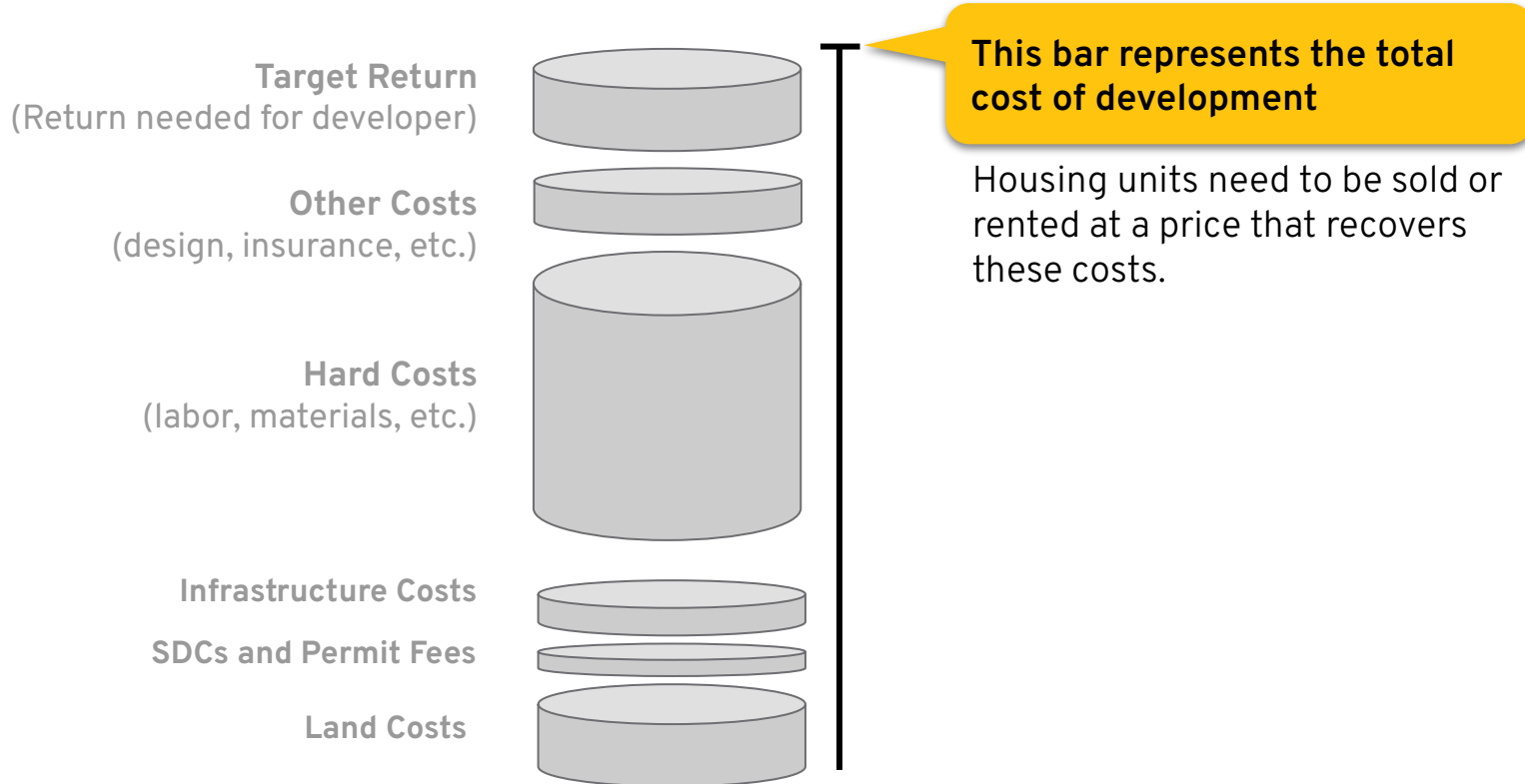
Overview of Strategies and Actions		AFFORDABILITY TARGETS				HOUSING TYPE TARGETS			TENURE TARGETS		PRIORITIZATION		
		Publicly Subsidized (<30% AMI)	Affordable (30-80% AMI)	Workforce (80-120% AMI)	Market Rate (>120% AMI)	Single-Family	Middle-Housing	Multi-Family	For Rent	For Sale	1-3 Years	3-5 Years	5-8 Years
1.1	Encourage smaller, single-family detached houses	○	○	●	●	●	○	○	○	●			
1.2	Promote cottage cluster housing	○	○	●	●	○	●	○	○	●			
1.3	Simplify infill design standards	○	○	●	●	○	○	○	○	○			
1.4	Provide more flexibility for housing in commercial zones	○	○	●	●	○	○	○	○	○			
1.5	Update allowances for manufactured housing to comply with state law	○	○	●	●	●	○	○	○	○			
1.6	Allow Tiny Homes on Wheels	○	●	●	○	○	●	○	○	○			
2.1	Evaluate the feasibility of a property tax incentive	●	●	○	○	○	○	●	○	○			
2.2	Allow SDCs to be deferred until occupancy	○	○	●	●	○	●	●	○	○			
2.3	Evaluate the feasibility of scaling SDCs	○	○	●	●	○	○	○	○	○			
2.4	Restructure zoning incentives for income-restricted units	●	●	○	○	○	○	○	○	○			
3.1	Prioritize the use of surplus public land for housing needs	●	●	○	○	○	○	○	○	○			
3.2	Evaluate ways to support land acquisition and banking	●	●	○	○	○	○	○	○	○			
3.3	Form partnerships with community land trusts	○	●	●	○	○	○	○	○	○			
3.4	Form partnerships with institutional landowners	●	●	○	○	○	○	○	○	○			
4.1	Continue to target infrastructure to support housing	○	○	○	○	○	○	○	○	○			
4.2	Continue to use Urban Renewal to support housing	○	○	○	○	○	○	○	○	○			
4.3	Continue to pursue opportunities to assist developers with wetland mitigation	○	○	○	○	○	○	○	○	○			
4.4	Continue to leverage CDBG funds for housing rehab	○	○	○	○	○	○	○	○	○			
4.5	Continue providing info and assistance to developers	○	○	○	○	○	○	○	○	○			

Example strategies and actions from the Lebanon Housing Production Strategy (2023)

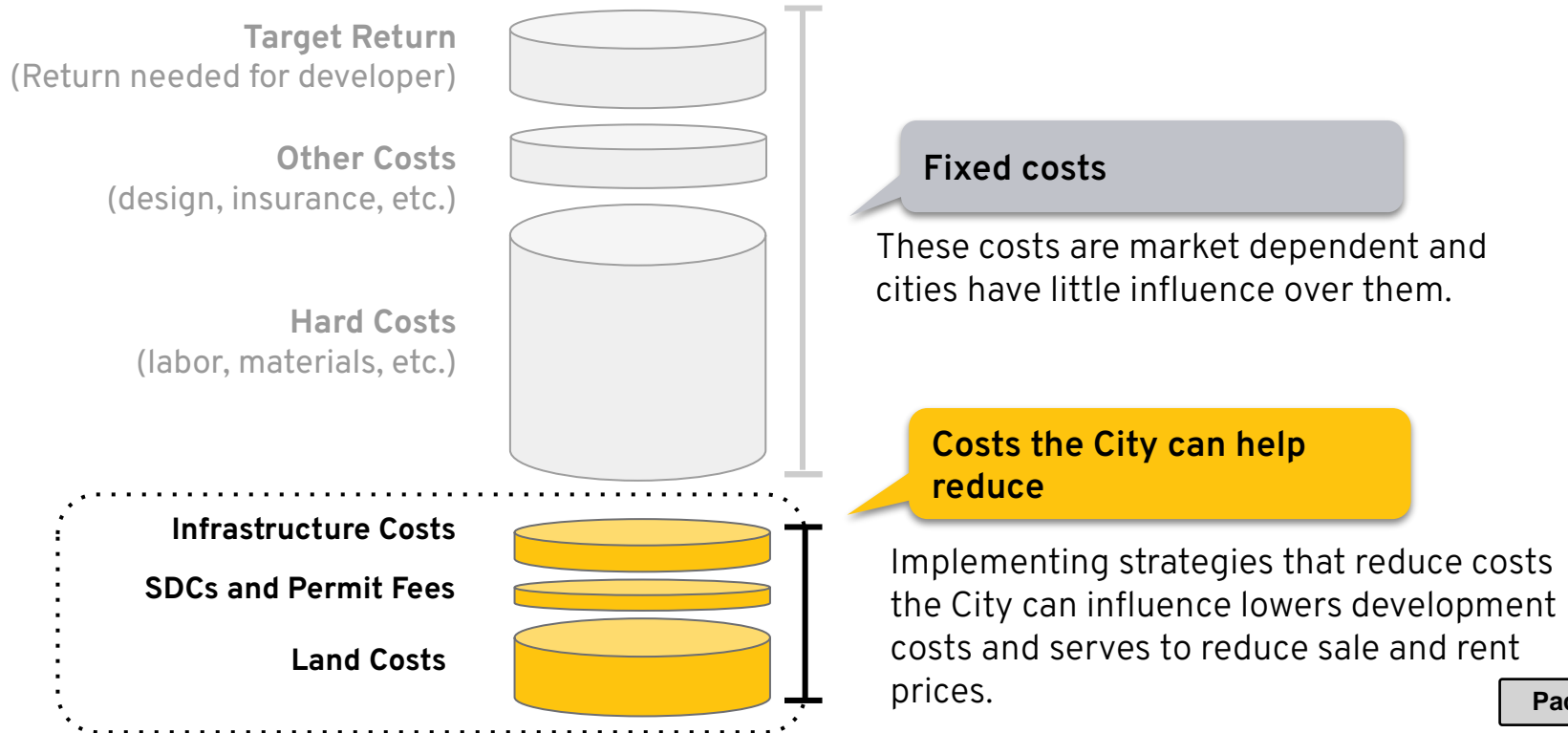
The City has 5 main levers to facilitate housing production.



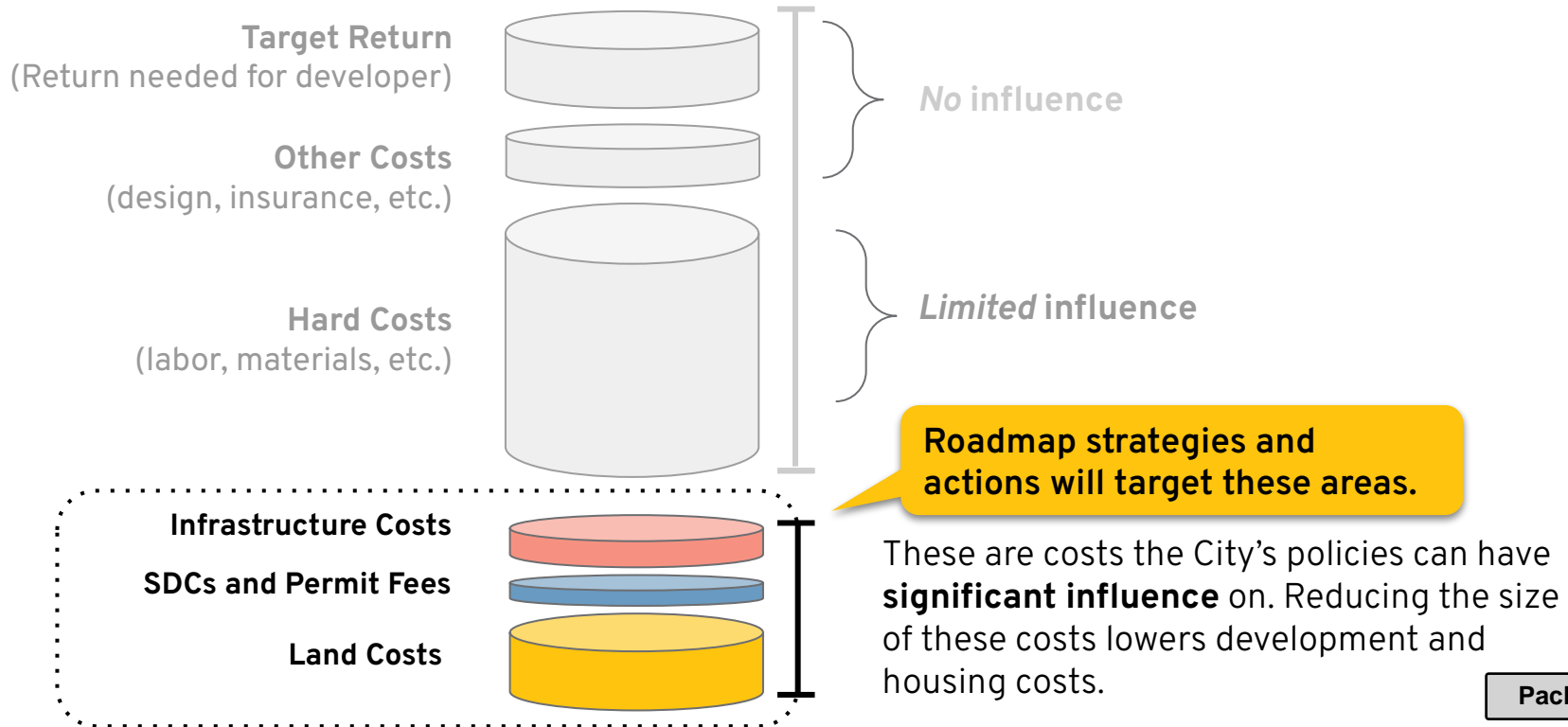
Economics and Costs of Housing Development



Cities have a role in potentially reducing housing costs.



City actions can have varying levels of influence on the cost of development.





REGULATORY ACTIONS

Lincoln City is already doing things like:

- Reducing parking requirements for multi-unit residential development
- Allowing four-flat dwellings, tiny house developments, single room occupancy, and cottage clusters in low-density residential zones
- Capping a proportion of short-term rentals permitted in the R-1-5 and R-1-RE zones to 10% of total lots (at time of cap)

USE REGULATIONS	Allowed		
	R1-5	R1-7.5	R1-10
	Single Unit Residential	Single Unit Residential	Single Unit Residential
Detached Single-Unit Dwelling	●	●	●
Attached Single-Unit Dwelling	●	●	●
Attached Single-Unit Dwelling Development	●	●	●
Duplex	●	●	●
Four-flat Dwelling	●	●	●
Multi-Unit Dwelling			
Cottage Housing Development	●	●	●
Manufactured Home	●	●	●
Mobile or Manufactured Home Park	●	●	●
Single Room Occupancy	◐	◐	◐
Short Term Rental	●		
Tiny House			
Tiny House Development			
Accessory Dwelling Unit	●	●	●

Lincoln City's Development Code allows some middle housing types in several residential zones.



REGULATORY ACTIONS

Lincoln City could consider:

- Encouraging middle housing development in more residential zones
- Implementing clear and objective standards for middle housing development
- Allowing ground-floor residential uses in commercial zones
- Implementing a minimum density requirement in residential zones

7/27/2022
City of Lincoln City
Housing Implementation Plan

FCS GROUP Memorandum

HOUSING NEEDS ANALYSIS UPDATE

At the request of Lincoln City staff, FCS GROUP has prepared an update to the housing needs projection and related residential land needs. This current 2022 housing needs forecast is consistent with the latest Portland State University (PSU) population growth forecast for the Lincoln City Urban Growth Boundary (UGB).

Population

Lincoln City recorded a record-high population of 8,865 in 2020, up from 7,307 in 2000. In that timeframe, the population growth rate in the City outpaced Lincoln County as a whole. As shown in **Exhibit 1**, Lincoln City's population expanded an average annual growth rate (AGR) of 0.97% between 2000 and 2020. In comparison, Lincoln County's overall growth rate was 0.63%.

Exhibit 1: Population Trends (2000-2021)

	2000	2010	2020	2000-2020 AGR
Lincoln County	44,479	46,135	50,387	0.63%
Lincoln City	7,307	7,935	8,865	0.97%

Sources: Population Research Center, Portland State University July 7 estimates for cities and counties.

Population Growth Forecast

Long-range population forecasts prepared by PSU predict a much slower rate of growth in population for Lincoln County and Lincoln City that what has occurred over the past decade. As indicated in **Exhibit 2**, the forecasted AGR for population growth over the next 20 years is 0.51% for Lincoln County and 0.55% for the Lincoln City UGB. This amount of growth would result in 1,124 year-round permanent residents being added to the Lincoln City Urban Growth Boundary (UGB) over the next 20 years. Based on these forecasts, the Lincoln City UGB would "capture" approximately 22% of the overall increase in Lincoln County population growth over the next 20 years.

Exhibit 2: Population Projections (2022-2042): Lincoln County and Lincoln City UGB

Population Forecasts, Lincoln County and Lincoln City, 2020-2042					
	2020	2022	2042	change	AGR
Lincoln County	48,304	48,793	53,969	5,176	0.51%
Lincoln City UGB	9,871	9,777	10,900	1,124	0.55%
UGB Capture Rate	20%	20%	20%	22%	

Sources: Population Research Center, Portland State University, June 2021.

Housing Inventory and Tenancy

Current housing inventory and tenancy characteristics shed light on housing demand preferences. In 2019, there were 6,735 housing units in Lincoln City of which 3,975 units were classified as occupied and 2,756 units were classified as for seasonal or occasional use.

Like most Oregon cities, single-family detached housing is the most prevalent housing type representing 70% of total housing stock in the City. The remaining housing inventory includes multifamily (16%), townhomes and duplexes (8%), and mobile home/other (6%), as shown in **Exhibit 3**.



INCENTIVE ACTIONS

Lincoln City is already doing things like:

- Deferring System Development Charge (SDC) payments for up to 10 years (or renewed for even longer) for non-profit land owners
- Exempting Accessory Dwelling Units (ADU) from paying SDCs
- Exempting qualifying affordable housing developments from paying property taxes





INCENTIVE ACTIONS

Example strategies that Lincoln City could consider:

- Design and adopt a Multi Unit Property Tax Exemption (MUPTE), with specific considerations to encourage creation of workforce, affordable, and accessible/visitable units
- Conduct SDC rate study to develop recommendations for scaling by size and varying by affordability level and housing type
- Opt into Oregon Housing and Community Services' new SB 1537 \$75M revolving loan fund for housing





INVESTMENT ACTIONS

Lincoln City is already doing things like:

- Direct investments in transitional housing (Helping Hands)
- Maintaining a Workforce Housing Fund dedicated to providing funding for land acquisition and pre development assistance to housing providers like Habitat for Humanity and Proud Ground



Image courtesy of Habitat of Lincoln County



INVESTMENT ACTIONS

Specifically, Lincoln City could consider:

- Implementing a dedicated affordable housing funding source like a Construction Excise Tax (CET) to fill gaps and leverage state & federal money more consistently
- Expanding the use of Urban Renewal (TIF) for the purposes of supporting housing production and infrastructure upgrades
- Pursuing new state funding to support housing (e.g. Middle Housing, housing-supportive infrastructure grants)



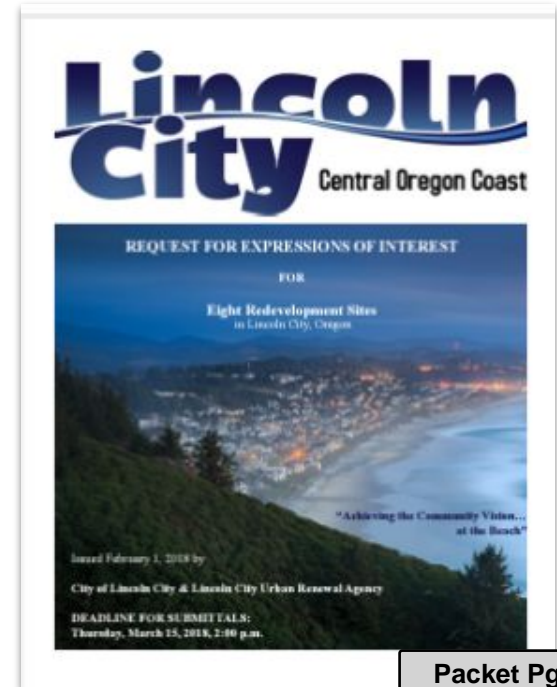
The City of Lincoln City invested in streets and utilities to get the Lincoln City Landing site "shovel-ready" for housing development.



LAND ACTIONS

Lincoln City is already doing things like:

- Land acquisition through Workforce Housing Fund
- Utilizing excess or underutilized City-owned land for public-private affordable housing development
- RFEI process for development of City-owned properties





LAND ACTIONS

Example strategies that Lincoln City could consider:

- Keeping an active inventory of publicly owned, foreclosed, or underutilized properties that could potentially be used for affordable housing development
- Proactively acquiring vacant or distressed properties and holding them for affordable housing development (land banking)
- UGB land swap to prioritize development ready land
- Assisting affordable housing providers or land trusts through pre-development steps
- Aligning capital investment plans with an inventory of sites with housing development capacity





PARTNERSHIP ACTIONS

Lincoln City is already doing things like:

- Providing information and technical assistance to developers
- Leveraging positive relationships with affordable and transitional housing providers to partner on housing development
- Partnering with Lincoln County, Newport and CTSI on affordable housing grants and funding

Helping Hands Reentry
Outreach Centers
H**PE**



PARTNERSHIP ACTIONS

Example strategies that Lincoln City could consider:

- Promoting the development of accessory dwelling units (ADUs)
- Coordinating with institutional land owners to use surplus land for housing development
- Providing technical assistance to small developers



Image courtesy of www.kingfisherpc.com. The Kingfisher Apartments consist of 23 rental units affordable to the local workforce in Pacific City. The project received state funding and partnership between local employees

Key takeaways from staff and stakeholder input (fall of 2024)

Housing Roadmap Solutions for Lincoln City could include:

- Encouraging middle housing development in residential zones
- Effective incentives
 - Scaled SDCs
 - Property tax exemption for targeted housing types
 - Land donations and partnerships
 - Partnership on public improvements
- Streamlined review and permitting

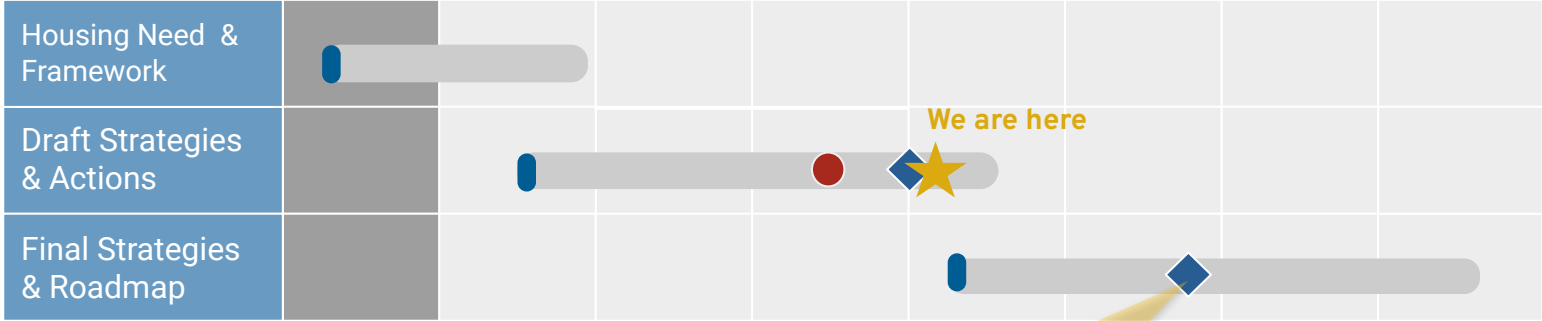


Housing Production Roadmap - Next Steps

2024



2025



We are here

Review of Draft Housing Roadmap

- ENGAGEMENT
- ◆ Planning Commission/City Council Meetings
- Engagement with Housing Producers

Council Communication

Public Hearing for ZOA 2024-06 Mass Timber

Meeting Date:	October 28, 2024	Primary Staff Contact:	Andrea Riner
Department:	City Council	E-Mail:	ARiner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

Question:

Should the City Council conduct a public hearing on ZOA 2024-06 (Ordinance 2024-06 *later on this agenda*)?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

- A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.
 1. Application Forms. Legislative applications must be made on forms provided by the department.
 2. Submittal Information. The application shall contain all of the following information:
 - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
 - c. The required fee as adopted by City Council resolution, except when the city initiates the request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
 - 1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
 - 2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.
- H. Recommendation Authority.
 - 1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's final recommendation, the City Council shall hold a public hearing on the Type IV application.
- I. Notice of Decision.
 1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
 2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
 3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.
- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

Background:

This item proposes updates to the [Lincoln City Municipal Code \(LCMC\) Title 17 Zoning Code \("Code"\)](#) that are intended to help facilitate the construction of mass timber and other modular or prefabricated housing products. The recommended updates to the Code are guided by the Prefabricated and Modular Housing Model Code and Audit Workbook. This work was also informed by the review and recommendations in the 2022 Planning and Building Code Barriers Analysis Report developed for the Department of Land Conservation and Development (DLCD) and the Port of Portland as a part of the Build Back Better Regional Challenge (BBBRC) grant project. This update to the Code is part of the DLCD Mass Timber Development Code Update (Code-UP) project, which includes three parts:

- 1) Create a Prefabricated and Modular Housing Model Code and Audit Workbook to assist local governments in updating their development codes to facilitate all types of prefabricated and manufactured housing development.
- 2) Provide technical assistance to ten jurisdictions (including Lincoln City to update their development codes consistent with guidance and recommendations identified in the Prefabricated and Modular Housing Model Code and Audit Workbook.
- 3) Engage underrepresented communities to share information about mass timber housing opportunities and understand their thoughts and concerns. Assist each participating jurisdiction in communicating the regulatory changes necessary to allow mass timber modular housing and other types of prefabricated and

manufactured housing and provide support through the legislative code amendment/adoption process.

The Code-UP project is a component of a wider initiative being led by the Oregon Mass Timber Coalition (OMTC) to promote the development of mass timber construction in Oregon. Mass timber modular housing is an innovative construction approach that combines the use of engineered wood products (mass timber) with the benefits of off-site modular or prefabricated construction. The Code-UP project is also occurring in conjunction with the Mass Timber Equitable Engagement project, which is intended to inform communities about mass timber modular housing and understand each community's views and potential concerns related to mass timber.¹ For more information and background on the Code-UP project, visit the OMTC website (www.masstimbercoalition.org/projects).

The proposed LCMC text amendments are consistent with the Comprehensive Plan policies and the Statewide Planning Goals. In particular, the proposed amendments to remove barriers to prefabricated and manufactured housing will support Statewide Planning Goal 10 to provide for the housing needs of residents and will support the City's policies to provide a variety of housing choices to meet the needs and means of wider range of households.

See Ordinance 2024-06 later on this agenda.

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the November 18th City Council meeting.

Attachments:

FR 2024-03 for ZOA 2024-06 (PDF)

ZOA 2024-06 Staff Report (DOCX)

¹ Public outreach is the focus of the Equitable Engagement activities. To support adoption of updated land use regulations, the project management team consisting of the consultant and DLCD staff will provide information and support through the legislative code amendment and public adoption process.

LINCOLN CITY
PLANNING COMMISSION

In the Matter of:

Amendment to: LCMC Title 17)	
Regarding Prefabricated Dwellings,)	Final Recommendation
Cottages, Tiny Houses, Accessory)	No. 2024-03
Dwellings, and Manufactured Dwellings)	

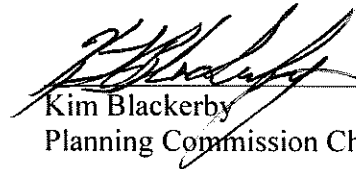
NATURE OF THE APPLICATION

ZOA 2024-06 amends the Lincoln City Municipal Code to amend the definitions of “cottage,” cottage cluster,” “detached single-unit dwelling,” “manufactured dwelling park,” and “mobile home park” and to add a definition for “prefabricated dwelling:” to clarify certain references to manufactured home parks; to allow prefabricated dwellings and accessory dwelling units in the RM zone and to clarify the circumstances under which tiny houses are allowed in the RM zone; to clarify certain references to manufactured home parks; and to allow slightly larger accessory dwelling units and exempt them from lot coverage limitations.

FINAL RECOMMENDATION


Based on the evidence presented at the public hearing on July 16, 2024, including the staff report and the findings (attached hereto as Exhibit A), the Planning Commission recommends that the City Council approve Ordinance No. 2024-06

APPROVED THIS 20th DAY OF AUGUST, 2024.



Kim Blackerby
Planning Commission Chair

ATTEST:



Daphnee Legarza
City Manager

Exhibit A Findings

Statewide Planning Goals

Goal 1. Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Comprehensive Plan Consistency:

The following Citizen Involvement goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 1 and applicable to the proposed amendments:

Goal: 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.

Policy 3: Provide information regarding land use planning applications and land use planning projects in a variety of accessible and easy to understand formats, including other languages where appropriate.

Policy 7: Identify options to increase participation with the community's marginalized and underrepresented groups in the land use planning process, including but not limited to Tribal representatives and renters.

Supportive Findings:

The proposed amendments were coordinated with activities that were intended to engage underrepresented communities to share information about mass timber and prefabricated housing opportunities and understand their thoughts and concerns.

Lincoln City is holding public hearings with the Planning Commission and City Council. The hearings are both open to the public and will provide an opportunity for community members to comment on the amendments.

Goal 2. Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.

Comprehensive Plan Consistency:

The Lincoln Comprehensive Plan establishes the policy framework as the basis for land use decisions, including those related to housing. The recommended policy and regulatory updates will help promote a variety of housing types by helping to facilitate prefabricated, modular, and manufactured housing

development that will utilize the City's residential land supply in an efficient manner.

Supportive Findings:

The proposed amendments are necessary for consistency with Oregon Revised Statutes related to land use planning (ORS 197 and 197A). The amendments will help ensure Lincoln City is in compliance with ORS 197.478, which requires local governments to allow prefabricated structures on any lot that allows single-family detached housing as well as in manufactured dwelling parks. In addition, the proposed amendments are consistent with state rules for clear and objective requirements for housing, pursuant to ORS 197A.400.

The findings of fact identified herein establish the factual base for the City's decision to amend the LCMC. These amendments are subject to public notice, prior to an initial evidentiary hearing before the City Council. Thus, a well-established planning process and policy framework exists within the City and has been utilized to create and adopt the proposed amendments.

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.

Comprehensive Plan Consistency:

The following Natural, Scenic, and Historic Resources goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 4 and applicable to the proposed amendments:

Goal: 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.

Policy 6: Utilize a variety of measures to protect native trees and vegetation.

Supportive Findings:

The proposed amendments apply to residential lands and therefore are not directly applicable to forest lands. However, the proposed amendments are supportive of goals to encourage development in residential areas in a more compact and efficient land use pattern, which helps to preserve forest lands by reducing the area needed for residential development. In addition, the proposed amendments help enable mass timber products in housing construction, enabling the opportunity for additional housing construction methods that can be more cost effective. Mass timber construction practices support the state's forest lands by promoting more sustainable and efficient forestry practices, as compared to conventional forestry practices.

*Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces
To provide natural resources and conserve scenic and historic areas and open spaces.*

Comprehensive Plan Consistency:

The following Natural, Scenic, and Historic Resources goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 5 and applicable to the proposed amendments:

Goal: 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.

Policy 7: Update/maintain existing adopted inventories and create new inventories as necessary of the following: riparian corridors, wetlands, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon Recreation trails, mineral and aggregate resources, energy sources, and cultural areas.

Policy 8: Review existing regulations relating to development in significant wetland, significant riparian, and/or significant fish and wildlife habitats as needed to ensure continued protection and management in accordance with state regulations.

Supportive Findings:

Statewide Planning Goal 5 requires jurisdictions to inventory lands that contain significant open spaces, scenic resources, historic and cultural resources, and natural areas. The City's natural resource regulations will continue to apply and to protect Goal 5 resources; there are no proposed changes to the standards related to water, air, or sound quality.

*Goal 7. Areas Subject to Natural Disasters and Hazards
To protect people and property from natural hazards.*

Comprehensive Plan Consistency:

The following Community Resilience goal and policies from the Lincoln City Comprehensive Plan are supportive of Goal 7 and applicable to the proposed amendments:

Goal: 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.

General/Overall Policy 1: Coordinate with all applicable agencies to develop and implement strategies, including development and zoning ordinances, to mitigate the effects of natural hazards and natural disasters. Document, evaluate, and communicate ongoing progress.

Climate Resiliency Policy 3: Consider and apply likely future climate conditions when updating standards for planning, design, construction, and maintenance of public facilities.

Supportive Findings:

Statewide Planning Goal 7 requires jurisdictions to apply appropriate safeguards when planning for development in areas subject to natural disasters or floods. The proposed code amendments do not include any changes to LCMC Chapter 15.16 – Flood Damage Prevention, which addresses Goal 7 by implementing standards that protect development from flood hazards. Section 15.16.55 includes regulations specifically intended to minimize the risk of flood damage to manufactured housing. Other development restrictions and standards in this chapter are intended to minimize risk to housing development more generally. The City’s flood regulations will continue to apply and to protect sensitive areas that may be included in future housing development proposals; Goal 7 does not directly apply to the action.

Goal 9. Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive Plan Consistency:

The following Economic Development policy from the Lincoln City Comprehensive Plan is supportive of Goal 9 and applicable to the proposed amendments:

Policy 4: Increase opportunities for residents to live close to where they work by continuing to expand the variety of housing and types of commercial businesses and services available throughout the city.

Supportive Findings:

The proposed amendments will remove regulatory barriers to the development of prefabricated and manufactured housing products, thereby enabling additional housing options to be developed in Lincoln City. Improving opportunities for a broader range of housing types, including those that can help provide for workforce housing, is one way in which Lincoln City can provide a supportive environment for the development and expansion of desired businesses and industry.

Goal 10. Housing

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

Comprehensive Plan Consistency:

The following Housing goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 10 and applicable to the proposed amendments:

Overall Policy 4: Ensure that all housing options, including those for sheltering and both affordable and workforce housing are dispersed throughout the city versus being concentrated in specific areas or zones.

Affordability, Sheltering, and Special Needs Policy 1: Establish enough zones, and allowed housing and sheltering options within those zones, to facilitate the

development of a wide variety of housing throughout the city. Rezone for higher-density development, reduce barriers to development, and allow the use of lower cost types of housing units, including prefabricated, modular, and manufactured dwelling units.

Supportive Findings:

Goal 10 requires jurisdictions to encourage the availability of adequate numbers of needed housing units in price ranges and rent levels commensurate with the financial capabilities of the jurisdiction's households, and to allow for flexibility of housing location, type, and density. Goal 10 defines needed housing types as "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes."

Local code amendments are proposed to expand the community's housing options by removing regulatory barriers to the development of prefabricated and manufactured housing products, as well as changing or adding provisions to better support opportunities for more affordable housing, including units constructed of mass timber. Smaller housing units, the components of which are manufactured off-site efficiently, may be more affordable than larger, site-built units. Facilitating construction of prefabricated and manufactured housing will enable more housing choices within existing and new neighborhoods, consistent with Goal 10's requirements around housing flexibility, and may result in housing that is more affordable than existing options.

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.

Comprehensive Plan Consistency:

The following Public Facilities and Services goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 11 and applicable to the proposed amendments:

Goal: 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.

Supportive Findings:

Public facilities and services standards will apply to prefabricated and manufactured housing, and the procedures for the review of building permits and land use will continue to apply. Therefore, the City's public facilities will support additional housing options.

Goal 12. Transportation

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

Comprehensive Plan Consistency:

The following Transportation goal from the Lincoln City Comprehensive Plan are supportive of Goal 12 and applicable to the proposed amendments:

Goal: 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.

Supportive Findings:

City and County street standards and transportation-related requirements will apply to any future housing development – including those that are proposed that will utilize prefabricated or manufactured construction methods. Current adopted transportation standards will help ensure a safe transportation system to support the City’s growth, including meeting its obligation to have adequate housing opportunities to meet future housing needs.

Goal 13. Energy

To conserve energy.

Comprehensive Plan Consistency:

The following Energy goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 13 and applicable to the proposed amendments:

Goal: 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.

Supportive Findings:

The proposed amendments support energy conservation by helping to facilitate construction of prefabricated/modular and manufactured housing products that, when constructed as single-family dwellings, are generally smaller forms of housing with a lower energy demand. These housing types can be constructed of mass timber panels or modular products which have enhanced insulation properties, thereby promoting energy efficiency by improving home heating and cooling performance. Reducing barriers to permitting and siting prefabricated and modular housing products may also promote a more compact form of housing development, which helps reduce the community’s energy use through reduced travel distances and more efficient provision of public services and facilities.

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.

Comprehensive Plan Consistency:

The following goal from the Economic Development chapter of the Lincoln City Comprehensive Plan are supportive of Goal 14 and applicable to the proposed amendments:

Policy 9: Provide for the orderly and efficient transition of land within the urban growth boundary from rural/forestry to urban uses, and from lower density to higher density development.

Supportive Findings:

The proposed amendments support sustainable residential growth, fully utilizing planned residential land, and efficient land use patterns that discourage low-density sprawl. The amendments also support residential land use patterns and housing types that take full advantage of Lincoln City's zoned residential land, thereby reducing the need for vehicular travel and dependency on the private automobile. Reducing barriers to, and creating more opportunities for, prefabricated and manufactured housing can also facilitate efficient provision of public services and facilities and permit building configurations which increase efficient energy use. The proposed amendments clear the land use approval path to more types of housing, housing options that have the potential to be more affordable for the community and that use residential land more efficiently within the urban growth boundary.

Comprehensive Plan Goals and Policies – Housing

Goal 1: Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.

Supportive Findings:

The proposed amendments represent progressive planning that contributes to more affordable housing opportunities for Lincoln City residents.

Goal 2: 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.

Supportive Findings:

The proposed amendments support housing and sheltering options for all income levels and ages, as well as for vulnerable populations, by lowering barriers to developing prefabricated and manufactured housing, types that are likely to be more affordable than site built homes.

Goal 3: Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.

Supportive Findings:

The proposed amendments support creative redevelopment and/or rehabilitation of existing residential neighborhoods. Prefabricated housing provides an opportunity for infill development that may be more affordable than site built homes.

Lincoln City Code-UP Staff Report and Findings

to **City of Lincoln City**

from **Emma-Quin Smith, Brandon Crawford, and Darci Rudzinski, MIG**

re **Mass Timber Code-UP Staff Report and Findings
DLCD Mass Timber Code-UP Project**

date **05/10/2024**

PURPOSE

The proposed amendments to the Lincoln City Municipal Code (LCMC) Title 17 Zoning Code (“Code”) are intended to help facilitate the construction of prefabricated, modular, and manufactured housing products. The proposed LCMC modifications remove local barriers to permitting and siting housing that is constructed of components manufactured off site, regardless of construction materials. At the same time, proposed local regulatory changes implement the recommendations from the DLCD Mass Timber Code-UP project, a federally funded effort to advance mass timber as a viable construction component in housing manufacturing. The Code-UP project provides technical assistance to ten jurisdictions to update their development codes consistent with guidance and recommendations identified in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

This report includes a Summary of Proposed Amendments; the proposed text amendments are in a legislative amendment, adoption-ready format in Appendix A. The report concludes with findings to support local adoption of the proposed changes to the LCMC. For more background on the project and the rationale behind the proposed policy and regulatory modifications specific to Lincoln City, refer to Appendix B. Lincoln City Code Updates.

SUMMARY OF PROPOSED AMENDMENTS

The recommended amendments to the LCMC are in Appendix A to this report. Proposed modifications are focused on removing regulatory barriers to the approval and siting of prefabricated, modular, or manufactured housing products and changing or adding provisions to better support these housing opportunities. Amendments are proposed in the following LCMC chapters:

- **LCMC 17.08.010 Definitions.** Revise or add to existing housing definitions to be inclusive of prefabricated dwellings and create new definitions that support prefabricated and modular housing products.
- **LCMC 17.16.020 Permitted uses.** Update the permitted uses in the R1 zone to use the term “manufactured dwelling park” instead of manufactured home park.
- **LCMC 17.20 Multiple-Unit Residential.** Allow ADUs in this zone.
- **LCMC 17.80.040 Standards for mobile or manufactured home parks, recreational vehicle parks, and tiny house developments.** Update the Mobile or Manufactured Home Park section to use the term “manufactured dwelling park.”
- **LCMC 17.80.110 Accessory Dwelling Unit Standards.** Update certain standards to increase flexibility for ADU opportunities.

It is worth noting that the City has already adopted Code amendments to implement some of the recommendations from the 2022 Code Barriers Report. As a result, many of the City's existing Code standards that have implications for prefabricated and modular housing opportunities are already fairly permissive and support these housing types. Previous legislative updates include the following:

- Added a new definition for “prefabricated structure” and updated definitions for “manufactured dwelling,” “manufactured home”, and “mobile home park” to be more consistent with state laws and recent legislation (House Bill 4064).¹
- Changed manufactured dwelling and mobile home parks from being allowed as a conditional use to being permitted outright in the R1 zone.
- Updated certain Accessory Dwelling Unit (ADU) standards to be clear and objective.
- Updates for consistency with HB 4064, which requires cities to allow prefabricated dwellings in manufactured dwelling parks and to ensure requirements that apply to manufactured and prefabricated dwellings on individual lots are no more restrictive than requirements that apply to single-family detached homes.
- Updates to the definition of “tiny house” to include mass timber building materials.

The current proposed action includes additional Code modifications that are informed by state-of-the-practice guidelines related to prefabricated and modular housing, specifically those in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

FINDINGS

Statewide Planning Goals

Goal 1. Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Comprehensive Plan Consistency:

The following Citizen Involvement goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 1 and applicable to the proposed amendments:

Goal: *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.*

Policy 3: *Provide information regarding land use planning applications and land use planning projects in a variety of accessible and easy to understand formats, including other languages where appropriate.*

Policy 7: *Identify options to increase participation with the community's marginalized and underrepresented groups in the land use planning process, including but not limited to Tribal representatives and renters.*

¹ House Bill 4064. <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4064>

Supportive Findings:

The proposed amendments were coordinated with activities that were intended to engage underrepresented communities to share information about mass timber and prefabricated housing opportunities and understand their thoughts and concerns.

Lincoln City is holding public hearings with the Planning Commission on June 18th, 2024 and City Council on July 8th, 2024. The hearings are both open to the public and will provide an opportunity for community members to comment on the amendments.

Goal 2. Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.

Comprehensive Plan Consistency:

The Lincoln Comprehensive Plan establishes the policy framework as the basis for land use decisions, including those related to housing. The recommended policy and regulatory updates will help promote a variety of housing types by helping to facilitate prefabricated, modular, and manufactured housing development that will utilize the City's residential land supply in an efficient manner.

Supportive Findings:

The proposed amendments are necessary for consistency with Oregon Revised Statutes related to land use planning (ORS 197 and 197A). The amendments will help ensure Lincoln City is in compliance with ORS 197.478, which requires local governments to allow prefabricated structures on any lot that allows single-family detached housing as well as in manufactured dwelling parks. In addition, the proposed amendments are consistent with state rules for clear and objective requirements for housing, pursuant to ORS 197A.400.

The findings of fact identified herein establish the factual base for the City's decision to amend the LCMC. These amendments are subject to public notice, prior to an initial evidentiary hearing before the City Council. Thus, a well-established planning process and policy framework exists within the City and has been utilized to create and adopt the proposed amendments.

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.

Comprehensive Plan Consistency:

The following Natural, Scenic, and Historic Resources goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 4 and applicable to the proposed amendments:

Goal: *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.*

Policy 6: *Utilize a variety of measures to protect native trees and vegetation.*

Supportive Findings:

The proposed amendments apply to residential lands and therefore are not directly applicable to forest lands. However, the proposed amendments are supportive of goals to encourage development in residential areas in a more compact and efficient land use pattern, which helps to preserve forest lands by reducing the area needed for residential development. In addition, the proposed amendments help enable mass timber products in housing construction, enabling the opportunity for additional housing construction methods that can be more cost effective. Mass timber construction practices support the state's forest lands by promoting more sustainable and efficient forestry practices, as compared to conventional forestry practices.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces

To provide natural resources and conserve scenic and historic areas and open spaces.

Comprehensive Plan Consistency:

The following Natural, Scenic, and Historic Resources goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 5 and applicable to the proposed amendments:

Goal: *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.*

Policy 7: *Update/maintain existing adopted inventories and create new inventories as necessary of the following: riparian corridors, wetlands, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon Recreation trails, mineral and aggregate resources, energy sources, and cultural areas.*

Policy 8: *Review existing regulations relating to development in significant wetland, significant riparian, and/or significant fish and wildlife habitats as needed to ensure continued protection and management in accordance with state regulations.*

Supportive Findings:

Statewide Planning Goal 5 requires jurisdictions to inventory lands that contain significant open spaces, scenic resources, historic and cultural resources, and natural areas. The City's natural resource regulations will continue to apply and to protect Goal 5 resources; there are no proposed changes to the standards related to water, air, or sound quality.

Goal 7. Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Comprehensive Plan Consistency:

The following Community Resilience goal and policies from the Lincoln City Comprehensive Plan are supportive of Goal 7 and applicable to the proposed amendments:

Goal: *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.

General/Overall Policy 1: *Coordinate with all applicable agencies to develop and implement strategies, including development and zoning ordinances, to mitigate the effects of natural hazards and natural disasters. Document, evaluate, and communicate ongoing progress.*

Climate Resiliency Policy 3: *Consider and apply likely future climate conditions when updating standards for planning, design, construction, and maintenance of public facilities.*

Supportive Findings:

Statewide Planning Goal 7 requires jurisdictions to apply appropriate safeguards when planning for development in areas subject to natural disasters or floods. The proposed code amendments do not include any changes to LCMC Chapter 15.16 – Flood Damage Prevention, which addresses Goal 7 by implementing standards that protect development from flood hazards. Section 15.16.55 includes regulations specifically intended to minimize the risk of flood damage to manufactured housing. Other development restrictions and standards in this chapter are intended to minimize risk to housing development more generally. The City’s flood regulations will continue to apply and to protect sensitive areas that may be included in future housing development proposals; Goal 7 does not directly apply to the action.

Goal 9. Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive Plan Consistency:

The following Economic Development policy from the Lincoln City Comprehensive Plan is supportive of Goal 9 and applicable to the proposed amendments:

Policy 4: *Increase opportunities for residents to live close to where they work by continuing to expand the variety of housing and types of commercial businesses and services available throughout the city.*

Supportive Findings:

The proposed amendments will remove regulatory barriers to the development of prefabricated and manufactured housing products, thereby enabling additional housing options to be developed in Lincoln City. Improving opportunities for a broader range of housing types, including those that can help provide for workforce housing, is one way in which Lincoln City can provide a supportive environment for the development and expansion of desired businesses and industry.

Goal 10. Housing

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

Comprehensive Plan Consistency:

The following Housing goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 10 and applicable to the proposed amendments:

Overall Policy 4: *Ensure that all housing options, including those for sheltering and both affordable and workforce housing are dispersed throughout the city versus being concentrated in specific areas or zones.*

Affordability, Sheltering, and Special Needs Policy 1: *Establish enough zones, and allowed housing and sheltering options within those zones, to facilitate the development of a wide variety of housing throughout the city. Rezone for higher-density development, reduce barriers to development, and allow the use of lower cost types of housing units, including prefabricated, modular, and manufactured dwelling units.*

Supportive Findings:

Goal 10 requires jurisdictions to encourage the availability of adequate numbers of needed housing units in price ranges and rent levels commensurate with the financial capabilities of the jurisdiction's households, and to allow for flexibility of housing location, type, and density. Goal 10 defines needed housing types as "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes."

Local code amendments are proposed to expand the community's housing options by removing regulatory barriers to the development of prefabricated and manufactured housing products, as well as changing or adding provisions to better support opportunities for more affordable housing, including units constructed of mass timber. Smaller housing units, the components of which are manufactured off-site efficiently, may be more affordable than larger, site-built units. Facilitating construction of prefabricated and manufactured housing will enable more housing choices within existing and new neighborhoods, consistent with Goal 10's requirements around housing flexibility, and may result in housing that is more affordable than existing options.

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.

Comprehensive Plan Consistency:

The following Public Facilities and Services goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 11 and applicable to the proposed amendments:

Goal: *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.*

Supportive Findings:

Public facilities and services standards will apply to prefabricated and manufactured housing, and the procedures for the review of building permits and land use will continue to apply. Therefore, the City's public facilities will support additional housing options.

Goal 12. Transportation

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

Comprehensive Plan Consistency:

The following Transportation goal from the Lincoln City Comprehensive Plan are supportive of Goal 12 and applicable to the proposed amendments:

Goal: *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.*

Supportive Findings:

City and County street standards and transportation-related requirements will apply to any future housing development – including those that are proposed that will utilize prefabricated or manufactured construction methods. Current adopted transportation standards will help ensure a safe transportation system to support the City's growth, including meeting its obligation to have adequate housing opportunities to meet future housing needs.

Goal 13. Energy

To conserve energy.

Comprehensive Plan Consistency:

The following Energy goals and policies from the Lincoln City Comprehensive Plan are supportive of Goal 13 and applicable to the proposed amendments:

Goal: *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.*

Supportive Findings:

The proposed amendments support energy conservation by helping to facilitate construction of prefabricated/modular and manufactured housing products that, when constructed as single-family dwellings, are generally smaller forms of housing with a lower energy demand. These housing types can be constructed of mass timber panels or modular products which have enhanced insulation properties, thereby promoting energy efficiency by improving home heating and cooling performance. Reducing barriers to permitting and siting prefabricated and modular housing products may also promote a more compact form of housing development, which helps reduce the community's energy use through reduced travel distances and more efficient provision of public services and facilities.

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.

Comprehensive Plan Consistency:

The following goal from the Economic Development chapter of the Lincoln City Comprehensive Plan are supportive of Goal 14 and applicable to the proposed amendments:

Policy 9: *Provide for the orderly and efficient transition of land within the urban growth boundary from rural/forestry to urban uses, and from lower density to higher density development.*

Supportive Findings:

The proposed amendments support sustainable residential growth, fully utilizing planned residential land, and efficient land use patterns that discourage low-density sprawl. The amendments also support residential land use patterns and housing types that take full advantage of Lincoln City's zoned residential land, thereby reducing the need for vehicular travel and dependency on the private automobile. Reducing barriers to, and creating more opportunities for, prefabricated and manufactured housing can also facilitate efficient provision of public services and facilities and permit building configurations which increase efficient energy use. The proposed amendments clear the land use approval path to more types of housing, housing options that have the potential to be more affordable for the community and that use residential land more efficiently within the urban growth boundary.

Comprehensive Plan Goals and Policies – Housing

Goal 1: Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.

Supportive Findings:

The proposed amendments represent progressive planning that contributes to more affordable housing opportunities for Lincoln City residents.

Goal 2: 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.

Supportive Findings:

The proposed amendments support housing and sheltering options for all income levels and ages, as well as for vulnerable populations, by lowering barriers to developing prefabricated and manufactured housing, types that are likely to be more affordable than site built homes.

Goal 3: Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.

Supportive Findings:

The proposed amendments support creative redevelopment and/or rehabilitation of existing residential neighborhoods. Prefabricated housing provides an opportunity for infill development that may be more affordable than site built homes.

Lincoln City Zoning Code Text Amendment Approval Criteria

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*

Supportive Findings:

See the report findings for the applicable Residential goals and policies in the Lincoln City Comprehensive Plan as well as the “Comprehensive Plan Consistency” goals and policies that support Statewide Planning Goals and are applicable to the amendments.

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

Supportive Findings:

See the findings for all applicable Statewide Land Use goals in this report.

CONCLUSIONS

The proposed LCMC text amendments are consistent with the Comprehensive Plan policies and the Statewide Planning Goals. In particular, the proposed amendments to remove barriers to prefabricated and manufactured housing will support Statewide Planning Goal 10 to provide for the housing needs of residents and will support the City’s policies to provide a variety of housing choices to meet the needs and means of wider range of households.

Appendix A. Lincoln City Municipal Code Amendments

Chapter 17.08 Definitions

Section 17.08.010 Definitions.

“Cottage” means a detached ~~single-unit~~ dwelling unit that is part of a cottage housing development and that contains ~~1,000~~1,250 square feet or less of gross floor area.

“Cottage cluster” means a group of four to 12 cottages, arranged around a common open space. Cottage clusters that meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.

[...]

“Detached single-unit dwelling” means a single dwelling unit that is not attached to any other dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit, and is on its own lot or parcel. Detached single-unit dwellings may be constructed off site, e.g., prefabricated dwellings and manufactured homes.

“Manufactured dwelling park” means any place where four or more manufactured dwellings or prefabricated dwellings structures, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[...]

“Mobile home park” means any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[...]

“Prefabricated dwelling” means a prefabricated structure, as defined in ORS 455.010, that is designed for residential occupancy in accordance with Lincoln City’s building regulations.

Chapter 17.16 Single-Unit Residential (R1) Zone

Section 17.16.020 Permitted uses.

[...]

12. Mobile home parks or manufactured ~~home~~ dwelling parks subject to the provisions of LCMC 17.80.040.

Chapter 17.18 Vacation Rental (VR) Zone

Section 17.18.020 Permitted Uses.

[...]

O. Mobile home parks or manufactured ~~home~~ dwelling parks subject to the provisions of LCMC 17.80.040. (Ord. 2023-26 § 8; Ord. 2023-24 § 7; Ord. 2022-41 § 2; Ord. 2022-36 § 2; Ord. 2022-25 §§ 12, 13; Ord. 2022-15 § 9; Ord. 2019-24 § 6; Ord. 2019-02 § 2; Ord. 2017-09 § 3; Ord. 2014-21 § 2)

Chapter 17.20 Multiple-Unit Residential (RM) Zone

Section 17.20.030 Accessory Uses.

[...]

J. Accessory dwelling units, subject to the provisions of LCMC 17.80.110.

Chapter 17.80 Provisions Applying to Special Uses

[...]

Section 17.80.040 Standards for mobile home parks or manufactured ~~home~~ dwelling parks, recreational vehicle parks, and tiny house developments.

[...]

Section 17.80.040 Standards for mobile home parks or manufactured ~~home~~ dwelling parks, recreational vehicle parks, and tiny house developments.

A. Mobile Home Park or Manufactured ~~Home~~ Dwelling Park Standards.

1. All mobile home parks or manufactured home dwelling parks shall comply with state statutes. ORS 197.493 allows the siting of RVs occupied as dwellings in a mobile home park or manufactured home dwelling park that is lawfully connected to utilities.

2. If space for a mobile home or manufactured home dwelling in the park is located more than 500 feet from a public fire hydrant, the mobile or manufactured home park shall install and maintain hydrants so that no mobile home or manufactured home dwelling within the mobile home park or manufactured home dwelling park shall be more than 500 feet from a hydrant when the park is fully occupied. Each hydrant shall be adjacent to a vehicular way within the mobile home park or manufactured home dwelling park and shall conform in design and capacity to the public hydrant standards in the city.

3. Except at driveway accesses, a sight-obscuring fence at least five but no more than six feet in height shall be located 10 feet back from the outer boundary of the mobile home park or manufactured home dwelling park. The mobile home park or manufactured home dwelling park shall be landscaped in accordance with Chapter 17.55 LCMC and reviewed as part of development review pursuant to LCMC 17.77.070.

4. Storage space (for boats, campers, etc.) shall be provided within the mobile home park or manufactured home dwelling park at the rate of one 10-foot by 20-foot space in size for every four mobile homes or manufactured homes dwellings within the park’s designed maximum capacity. Adequate maneuvering room shall be provided.

5. *Repealed by Ord. 2023-26.*

6. Every mobile home park or manufactured home dwelling park must have a resident manager. The resident manager shall maintain a permanent residence within the mobile home park or manufactured home dwelling park and shall be either the owner or owner’s authorized agent charged for the care and control of the mobile home park or manufactured home dwelling park. The owner of the mobile home park or manufactured home dwelling park shall notify the director of the name of the original resident manager and all changes thereto within 14 days after any change takes place.

[...]

Section 17.80.110 Accessory dwelling unit standards.

[...]

2. Floor Area. Accessory dwelling units shall not exceed ~~750~~ 800 square feet of floor area or ~~50~~ 75 percent of the floor area of the principal dwelling unit, whichever is less. However, accessory dwelling units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the principal dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 800-900 square feet.

[...]

9. Exemptions. Accessory dwelling units are exempt from the maximum building coverage standards in Table 1. Minimum lot dimensions for R1 Zones.

Appendix B. Code Updates Memo

to City of Lincoln City and DLCD
 from Brandon Crawford, Darci Rudzinski, and Kate Rogers, MIG
 re Draft Code Updates
 DLCD Mass Timber Code-UP Project
 date 3/5/2024

Introduction and Background

This memo proposes updates to the [Lincoln City Municipal Code \(LCMC\) Title 17 Zoning Code \(“Code”\)](#) that are intended to help facilitate the construction of mass timber and other modular or prefabricated housing products. The recommended updates to the Code are guided by the Prefabricated and Modular Housing Model Code and Audit Workbook. This work was also informed by the review and recommendations in the 2022 Planning and Building Code Barriers Analysis Report developed for the Department of Land Conservation and Development (DLCD) and the Port of Portland as a part of the Build Back Better Regional Challenge (BBBRC) grant project.

This update to the Code is part of the DLCD Mass Timber Development Code Update (Code-UP) project, which includes three parts:

- 1) Create a Prefabricated and Modular Housing Model Code and Audit Workbook to assist local governments in updating their development codes to facilitate all types of prefabricated and manufactured housing development.
- 2) Provide technical assistance to ten jurisdictions (including Lincoln City to update their development codes consistent with guidance and recommendations identified in the Prefabricated and Modular Housing Model Code and Audit Workbook.
- 3) Engage underrepresented communities to share information about mass timber housing opportunities and understand their thoughts and concerns. Assist each participating jurisdiction in communicating the regulatory changes necessary to allow mass timber modular housing and other types of prefabricated and manufactured housing and provide support through the legislative code amendment/adoption process.

The Code-UP project is a component of a wider initiative being led by the Oregon Mass Timber Coalition (OMTC) to promote the development of mass timber construction in Oregon. Mass timber modular housing is an innovative construction approach that combines the use of engineered wood products (mass timber) with the benefits of off-site modular or prefabricated construction. The Code-UP project is also occurring in conjunction with the Mass Timber Equitable Engagement project, which is intended to inform communities about mass timber modular housing and understand each community’s views and potential concerns related to mass timber.² For more information and background on the Code-UP project, visit the OMTC website (www.masstimbercoalition.org/projects).

² Public outreach is the focus of the Equitable Engagement activities. To support adoption of updated land use regulations, the project management team consisting of the consultant and DLCD staff will provide information and support through the legislative code amendment and public adoption process.

Comprehensive Plan Review

A review of the City’s housing policies in the adopted 2023 Comprehensive Plan confirmed that the City supports prefabricated, modular, and manufactured housing. Specifically, Chapter 2 – Housing and Transportation – includes the following objective:

1. *Establish enough zones, and allowed housing and sheltering options within those zones, to facilitate the development of a wide variety of housing throughout the city. Rezone for higher-density development, **reduce barriers to development, and allow the use of lower cost types of housing units, including prefabricated, modular, and manufactured dwelling units.***

The recommended Code updates directly support the Comprehensive Plan Objective cited above by removing regulatory barriers to the development of prefabricated, modular, and manufactured housing. There are no Comprehensive Plan goals, policies, or objectives that conflict with the recommended Code updates.

Code Amendments

The recommended Code updates are primarily focused on removing regulatory barriers to the development of prefabricated and modular housing products and changing or adding provisions to better support housing opportunities. Prefabricated and manufactured housing are both forms of factory-built housing and they share many characteristics. Therefore, manufactured housing is also addressed in the recommendations, with several modifications directly related to compliance with state requirements for manufactured housing and prefabricated housing.

It is worth noting that the City has already adopted multiple Code amendments to implement some of the recommendations from the 2022 Code Barriers Report. As a result, many of the City’s existing Code standards that have implications for prefabricated and modular housing opportunities are already fairly permissive. These recent updates include the following:

- Added a new definition for “prefabricated structure” and updated definitions for “manufactured dwelling,” “manufactured home”, and “mobile home park” to be more consistent with state laws and recent legislation (House Bill 4064).³
- Changed manufactured dwelling and mobile home parks from being allowed as a conditional use to being permitted outright in the R1 zone.
- Updated certain Accessory Dwelling Unit (ADU) standards to be clear and objective.
- Updates for consistency with HB 4064, which requires cities to allow prefabricated dwellings in manufactured dwelling parks and to ensure requirements that apply to manufactured and prefabricated dwellings on individual lots are no more restrictive than requirements that apply to single-family detached homes.
- Updates to the definition of “tiny house” to include mass timber building materials.

The terms “prefabricated” and “modular” are sometimes used interchangeably; the term “prefabricated” is recommended in the proposed Code text for consistency with state statute.

Text modifications are included for the following sections of the Code:

³ House Bill 4064. <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4064>

- **LCMC 17.08.010 Definitions.** Revise or add to existing housing definitions to be inclusive of prefabricated dwellings and create new definitions that support prefabricated and modular housing products.
- **LCMC 17.16.020 Permitted uses.** Update the permitted uses in the R1 zone to use the term “manufactured dwelling park” instead of manufactured home park.
- **LCMC 17.20 Multiple-Unit Residential.** Allow ADUs in this zone.
- **LCMC 17.80.040 Standards for mobile or manufactured home parks, recreational vehicle parks, and tiny house developments.** Update the Mobile or Manufactured Home Park section to use the term “manufactured dwelling park.”
- **LCMC 17.80.110 Accessory Dwelling Unit Standards.** Update certain standards to increase flexibility for ADU opportunities.

Code updates are presented in an underline/~~strikeout~~ legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. A description and summary of the proposed updates are provided in the gray text boxes for each section.

DEFINITIONS (LCMC 17.08.010)

The City should update definitions that could have the effect of precluding or limiting prefabricated housing.

Cottage Cluster

Cottage cluster housing provides an excellent opportunity to utilize prefabricated construction or manufactured homes to provide more affordable housing options. However, cottage clusters that are composed of manufactured or prefabricated dwellings may overlap with the definition of “manufactured dwelling park” if they provide spaces for rent. Manufactured dwelling parks with more than six units are subject to the requirements for “Mobile Home and Manufactured Dwelling Parks” in ORS 446.003 to 446.140. We recommend noting in the cottage cluster definition that if the development also meets the definition of manufactured dwelling park, it may be subject to additional standards in ORS 446. In addition, the City should remove “detached single-unit dwelling” from the definition for “cottage” because the definition for “detached single-unit dwelling” specifies a single unit on an individual lot, whereas multiple cottages can be sited on the same lot, per LCMC 17.80.120. Finally, the gross floor area of 1,000 square feet in the definition should be updated to 1,250 square feet, consistent with LCMC 17.80.120.D.

Prefabricated Dwellings

Modular housing falls under the definition of prefabricated structures, as defined in the ORS. The City recently added a new definition for “prefabricated structure,” however the Code could further clarify the use of prefabricated construction for housing by adding a definition that is specific to dwellings. This is not required to comply with state rules, but it may help signal the City’s support for use of prefabricated materials for housing development. If the City chooses to add this new, more specific definition, then

every instance of “prefabricated structure” should be replaced with “prefabricated dwelling” wherever it is applicable (including in the “manufactured dwelling park” definition, shown below). This memo does not include every instance in which the term “prefabricated structure” is used. However, should the City proceed with this update, each amendment will be identified in the adoption drafts.

Detached Single-Unit Dwelling

The City’s definition for “detached single-unit dwelling” could be interpreted to implicitly include prefabricated dwellings and manufactured homes. However, “manufactured homes and prefabricated structures” are listed separately in many of the permitted use sections of the Code which could lead users to think those housing types are not considered “single-unit dwellings.” We recommend making this more explicit in the definition to ensure that the same development and design standards that apply to site-built single-unit dwellings also apply to prefabricated and manufactured homes. While the Code lists manufactured homes alongside single-unit dwellings in most standards, it does not always list prefabricated structures/dwellings (e.g., the landscaping standards in Chapter 17.55).

“Cottage” means a detached ~~single-unit~~ dwelling unit that is part of a cottage housing development and that contains ~~1,000~~1,250 square feet or less of gross floor area.

“Cottage cluster” means a group of four to 12 cottages, arranged around a common open space. Cottage clusters that meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.

[...]

“Detached single-unit dwelling” means a single dwelling unit that is not attached to any other dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit, and is on its own lot or parcel. Detached single-unit dwellings may be constructed off site, e.g., prefabricated dwellings and manufactured homes.

“Manufactured dwelling park” means any place where four or more manufactured dwellings or prefabricated dwellings ~~structures~~, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS [92.010](#) to [92.192](#).

[...]

“Mobile home park” means any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS [92.010](#) to [92.192](#).

[...]

“Prefabricated dwelling” means a prefabricated structure, as defined in ORS 455.010, that is designed for residential occupancy in accordance with Lincoln City’s building regulations.

“Prefabricated structure” means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on site; does not mean a manufactured dwelling or a small home as defined in Section 2, Chapter 401, Oregon Laws 2019. *[No changes recommended; included for reference.]*

MANUFACTURED DWELLING PARK STANDARDS

The Code definition for manufactured dwelling park is consistent with state statute. However, other sections of the Code use the term “mobile or manufactured home park.” Mobile home park is defined in the Code, but manufactured *home* park is not. The sections using those terms should be updated with the term “manufactured dwelling park.” This memo does not include every instance in which this term should be amended; each needed amendment will be identified in adoption drafts of the Code update.

Chapter 17.16 Single-Unit Residential (R1) Zone

Section 17.16.020 Permitted uses.

[...]

12. Mobile home parks or manufactured ~~home~~ dwelling parks subject to the provisions of LCMC 17.80.040.

Chapter 17.80 Provisions Applying to Special Uses

[...]

Section 17.80.040 Standards for mobile home parks or manufactured home-dwelling parks, recreational vehicle parks, and tiny house developments.

[...]

ACCESSORY DWELLING UNIT UPDATES

Multiple-Unit Residential (RM) Zone (LCMC 17.20)

The RM zone allows duplexes, multi-unit dwellings, cottage housing developments and tiny house developments. New detached single-unit dwellings, including manufactured dwellings, are limited to existing lots under 10,000 sq ft. Attached single-unit dwellings are permitted. ADUs are not listed as an accessory use, but the City should consider allowing those where single-unit dwellings are allowed. As noted under the analysis of LCMC 17.16, both cottage housing and tiny house developments could provide good opportunities for prefabricated and modular housing.

Section 17.20.030 Accessory Uses.

[...]

J. Accessory dwelling units, subject to the provisions of LCMC 17.80.110.

Accessory Dwelling Unit Standards (LCMC 17.80.110)

The maximum building coverage for all housing in the R1 zones is 35%. The lot dimensions for each R1 zone are shown in *Table 1*. Adding an ADU to a lot will increase the overall building coverage, and therefore the existing coverage limits may prevent the opportunity to add an ADU to lots that are at or near the maximum. To increase flexibility for ADU development, the City should consider either exempting ADUs from lot coverage requirements or allowing an increased maximum lot coverage for lots with an ADU (e.g., 50% or 60%). To address storm water concerns, the City may also consider limits to impermeable surfaces or require tree planting, rather than simply coverage by structures.

To further increase flexibility, the City should consider increasing the maximum floor area to 800 square feet or 75 percent of the principal dwelling's floor area. In addition, while not an issue for prefabricated detached ADUs, internal ADUs that occupy a whole level of the primary structure (e.g., a basement unit) should also be allowed to be as large as the level's floor area.

[...]

2. Floor Area. Accessory dwelling units shall not exceed ~~750~~ 800 square feet of floor area or ~~50~~ 75 percent of the floor area of the principal dwelling unit, whichever is less. However, accessory dwelling units that

result from the conversion of a level or floor (e.g., basement, attic, or second story) of the principal dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 800-900 square feet.

[...]

9. Exemptions. Accessory dwelling units are exempt from the maximum building coverage standards in Table 1. Minimum lot dimensions for R1 Zones.

Table 1. Minimum lot dimensions for R1 Zones [No changes recommended; included for reference.]

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback ⁽¹⁾	Side Setback	Street Side Setback ⁽¹⁾	Rear Setback	Maximum Building Coverage ⁽²⁾
R1-5	5,000 sq. ft.	50' detached; 35' attached	70'	5'	5' or 0' for common wall of attached dwellings	5'	5'	35%
R1-7.5	7,500 sq. ft.	70' detached; 35' attached	80'	same as above				35%
R1-10	10,000 sq. ft.	80'	80'	same as above				35%

Council Communication

Ordinance 2024-06 ZOA 2024-06

Meeting Date:	October 28, 2024	Primary Staff Contact:	Daphnee Legarza
Department:	City Council	E-Mail:	DLegarza@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

QUESTION:

Should the City Council conduct and approve First Reading and Second Reading of Ordinance No. 2024-06 relating to prefabricated dwellings and mass timber?

STAFF RECOMMENDATION:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-06 and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2024-06.

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 proposed amendments are the product of a code review conducted by the Department of Land Conservation and Development's consultants, MIG, Inc. to help facilitate the construction of prefabricated, modular, and manufactured housing products. The proposed code amendments remove local barriers to permitting and siting housing that is constructed of components manufactured off site, regardless of construction materials. At the same time, the proposed amendment implements the recommendations from the DLCD Mass Timber Code-UP project, a federally funded effort to advance mass timber as a viable construction component in housing manufacturing. The Code-UP project provides technical assistance to ten jurisdictions to update their development codes consistent with guidance and recommendations

identified in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

On July 16th 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. 2024-06

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS) TO AMEND THE DEFINITIONS OF "COTTAGE," "COTTAGE CLUSTER," "DETACHED SINGLE-UNIT DWELLING," "MANUFACTURED DWELLING PARK," AND "MOBILE HOME PARK" AND TO ADD A DEFINITION FOR "PREFABRICATED DWELLING;" AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), AND CHAPTER 17.18 (VACATION RENTAL (VR) ZONE) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AMENDING CHAPTER 17.20 (MULTI-FAMILY RESIDENTIAL (R-M) ZONE) TO ALLOW PREFABRICATED DWELLINGS UNDER CERTAIN CIRCUMSTANCES, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH TINY HOUSES ARE PERMITTED USES IN THAT ZONE, AND TO ALLOW ACCESSORY DWELLING UNITS IN THAT ZONE; AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES); SECTION 17.80.040 (STANDARDS FOR MOBILE OR MANUFACTURED HOME PARKS, RECREATIONAL VEHICLE PARKS, AND TINY HOUSE DEVELOPMENTS) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AND SECTION 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS) TO ALLOW SLIGHTLY LARGER ACCESSORY DWELLING UNITS AND TO EXEMPT THEM FROM LOT COVERAGE LIMITATIONS

Council:

1. Motion to approve First Reading of Ordinance 2024-06.

If unanimous: Conduct Second Reading

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

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS) TO AMEND THE DEFINITIONS OF "COTTAGE," "COTTAGE CLUSTER," "DETACHED SINGLE-UNIT DWELLING," "MANUFACTURED DWELLING PARK," AND "MOBILE HOME PARK" AND TO ADD A DEFINITION FOR "PREFABRICATED DWELLING;" AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), AND CHAPTER 17.18 (VACATION RENTAL (VR) ZONE) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AMENDING CHAPTER 17.20 (MULTI-FAMILY RESIDENTIAL (R-M) ZONE) TO ALLOW PREFABRICATED DWELLINGS UNDER CERTAIN CIRCUMSTANCES, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH TINY HOUSES ARE PERMITTED USES IN THAT ZONE, AND TO ALLOW ACCESSORY DWELLING UNITS IN THAT ZONE; AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES); SECTION 17.80.040 (STANDARDS FOR MOBILE OR MANUFACTURED HOME PARKS, RECREATIONAL VEHICLE PARKS, AND TINY HOUSE DEVELOPMENTS) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AND SECTION 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS) TO ALLOW SLIGHTLY LARGER ACCESSORY DWELLING UNITS AND TO EXEMPT THEM FROM LOT COVERAGE LIMITATIONS

Council:

1. Motion to approve Second Reading and adopt Ordinance 2024-06.

Attachments:

Draft Ordinance 2024-06 Mass Timber (DOCX)
EXHIBIT A (DOCX)

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ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS) TO AMEND THE DEFINITIONS OF "COTTAGE," "COTTAGE CLUSTER," "DETACHED SINGLE-UNIT DWELLING," "MANUFACTURED DWELLING PARK," AND "MOBILE HOME PARK" AND TO ADD A DEFINITION FOR "PREFABRICATED DWELLING;" AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), AND CHAPTER 17.18 (VACATION RENTAL (VR) ZONE) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AMENDING CHAPTER 17.20 (MULTI-FAMILY RESIDENTIAL (R-M) ZONE) TO ALLOW PREFABRICATED DWELLINGS UNDER CERTAIN CIRCUMSTANCES, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH TINY HOUSES ARE PERMITTED USES IN THAT ZONE, AND TO ALLOW ACCESSORY DWELLING UNITS IN THAT ZONE; AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES); SECTION 17.80.040 (STANDARDS FOR MOBILE OR MANUFACTURED HOME PARKS, RECREATIONAL VEHICLE PARKS, AND TINY HOUSE DEVELOPMENTS) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AND SECTION 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS) TO ALLOW SLIGHTLY LARGER ACCESSORY DWELLING UNITS AND TO EXEMPT THEM FROM LOT COVERAGE LIMITATIONS.

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

The City Council finds:

- A. 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
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on , 2024; and
- D. The Planning Commission, on July 16, 2024, held a public hearing and considered the amendments contained within this ordinance. On , 2024 the

1 Planning Commission voted to transmit the amendments to the City Council with
2 a recommendation that the ordinance be adopted; and

3 E. The City Council conducted the public hearing on _____, 2024 closed the
4 hearing, closed the record, and deliberated on the proposed amendments on
5 _____, 2024; and

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

8
9 **NOW THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

10 **SECTION 1.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
11 revise the definition of "cottage" as follows:

12 "Cottage" means a detached ~~single-unit~~ dwelling unit that is part of a cottage housing
13 development and that contains ~~1,000~~ **1,250** square feet or less of gross floor area.

14
15 **SECTION 2.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
16 revise the definition of "cottage cluster" as follows:

17 "Cottage cluster" means a group of four to 12 cottages, arranged around a common open
18 space. **Cottage clusters that meet the definition of "manufactured dwelling park" or**
19 **"mobile home park" may be subject to additional requirements, pursuant to ORS 446.003**
20 **through 446.140.**

21
22 **SECTION 3.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
23 revise the definition of "detached single-unit dwelling" as follows:

24 "Detached single-unit dwelling" means a single dwelling unit that is not attached to any other
25 dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit,
26 and is on its own lot or parcel. **Detached single-unit dwellings may be constructed off site,**
27 **e.g., prefabricated dwellings and manufactured homes.**

28
29 **SECTION 4.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
30 revise the definition of "manufactured dwelling park" as follows:

31
32 "Manufactured dwelling park" means any place where four or more manufactured dwellings or
33 prefabricated **dwellings structures**, that are relocatable and more than eight and one-half feet
34 wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same
35 ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease
36 to any person for a charge or fee paid or to be paid for the rental or lease space or keep space
37 for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or
38 use of facilities or to offer space free in connection with securing the trade or patronage of such
39 person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision

1 being rented or leased for occupancy by no more than one manufactured dwelling per lot if the
 2 subdivision was approved by the local government unit having jurisdiction under an ordinance
 3 adopted pursuant to ORS [92.010](#) to [92.192](#).

4 **SECTION 5.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
 5 revise the definition of “mobile home park” as follows:

6
 7 “Mobile home park” means any place where four or more manufactured dwellings **or**
 8 **prefabricated dwellings** are located within 500 feet of one another on a lot, tract, or parcel of
 9 land under the same ownership, the primary purpose of which is to rent space or keep space for
 10 rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to
 11 offer space free in connection with securing the trade or patronage of such person. “Mobile
 12 home park” does not include a lot or lots located within a subdivision being rented or leased for
 13 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved
 14 by the municipality unit having jurisdiction under an ordinance adopted pursuant to
 15 ORS [92.010](#) to [92.192](#).

16 **SECTION 6.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
 17 add a definition of “prefabricated dwelling” as follows:

18
 19 **“Prefabricated dwelling” means a building or subassembly that is designed for residential**
 20 **occupancy and that has been in whole or substantial part manufactured or assembled**
 21 **using closed construction at an off-site location to be wholly or partially assembled on-**
 22 **site, but does not mean a manufactured dwelling or a small home as defined in section 2,**
 23 **chapter 401, Oregon Laws 2019.**

24 **SECTION 7.** Chapter 17.16 (*Single-unit residential (R1) Zone*), Section 17.16.020 (*Permitted Uses*),
 25 Subsection 17.18.020.A.12 is hereby amended to read as follows:

26 12. Mobile **home parks** or manufactured **home dwelling** parks subject to the provisions of
 27 LCMC [17.80.040](#).

28 **SECTION 8.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.020 (*Permitted Uses*),
 29 Subsection 17.18.020.O is hereby amended to read as follows:

30 O. Mobile **home parks** or manufactured **home dwelling** parks subject to the provisions of
 31 LCMC [17.80.040](#).

32 **SECTION 9.** Chapter 17.20 (*Multiple-unit residential (RM) Zone*), Section 17.20.020 (*Permitted*
 33 *Uses*), is hereby amended to read as follows:

34 **17.20.020 Permitted uses.**

35 A. Attached single-unit dwellings;

36 B. Attached single-unit dwellings developments;

- 1 C. Detached single-unit dwelling, including manufactured home, **prefabricated dwelling, and tiny**
2 **house**, if located on a lawfully created lot with an area of 10,000 square feet or less that existed on
3 September 9, 2020, and if developed under the standards set forth for single-unit dwellings within
4 the R1 zone;
- 5 D. Detached single-unit dwelling, including manufactured home, if existing on or if a building permit
6 was applied for before September 9, 2020, and remains valid, and if developed under the standards
7 set forth for single-unit dwellings within the R1 zone;
- 8 E. Community or market gardens not larger than 12,500 square feet, subject to the provisions of
9 LCMC [17.80.080](#);
- 10 F. Cottage housing developments, subject to the provisions of LCMC [17.80.120](#);
- 11 G. Duplexes;
- 12 H. Multi-unit dwellings;
- 13 I. Residential facilities;
- 14 J. Residential homes;
- 15 K. Structures used temporarily on the site and only during construction of a permitted or conditional
16 use for which a building permit has been issued, but not exceeding six months;
- 17 L. Tiny house developments, subject to the provisions of LCMC [17.80.040](#)(C);
- 18 M. Transportation uses;
- 19 N. **Tiny house**;
- 20 O. Single-room occupancy with as many units and/or structures, or combination thereof, per lot or
21 parcel to meet the minimum density requirement in LCMC [17.20.050](#). There is no maximum to the
22 number of units per structure.
- 23 P. Emergency shelters, subject to LCMC [17.80.220](#) and as defined in LCMC [17.08.010](#).
- 24 **SECTION 10.** Chapter 17.20 (*Multiple-unit residential (RM) Zone*), Section 17.20.030 (*Accessory*
25 *Uses*), is hereby amended to read as follows:
- 26 A. Animals and gardens, subject to the provisions of LCMC [17.80.080](#);
- 27 B. Bed and breakfast accommodations, subject to the provisions of LCMC [17.80.060](#);
- 28 C. Home occupations, subject to the provisions of LCMC [17.52.010](#)(E);
- 29 D. Offices incidental to and necessary for the operation of the allowed primary use;

1 E. Off-street parking areas directly related to the allowed primary use, subject to the provisions
2 of Chapters [17.55](#) and [17.56](#) LCMC;

3 F. Other accessory uses, accessory buildings, or accessory structures customarily related to or
4 associated with the primary use;

5 G. *Repealed by Ord. 2023-24*;

6 H. Family child care home;

7 I. Special event as accessory to a conditional use allowed in the zone, provided the allowed
8 conditional use has conditional use approval;

9 **J. Accessory dwelling units, subject to the provisions of LCMC [17.80.110](#).**

10 **SECTION 11.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.110 (*Accessory*
11 *dwelling unit standards*), Subsection B (*Standards*), is hereby amended to read as follows:

12 B. Standards. Accessory dwelling units shall conform to the following standards:

13 1. Type. Accessory dwelling units may be a portion of the principal dwelling unit, attached
14 to a garage, or a separate, freestanding unit. The principal dwelling unit must be a single-
15 family dwelling if someone wishes to add an accessory dwelling unit.

16 2. Floor Area. Accessory dwelling units shall not exceed ~~750~~ **800** square feet of floor area
17 or 50 percent of the floor area of the principal dwelling unit, whichever is less, ~~provided,~~
18 **however, that accessory dwelling units that result from the conversion of a level or**
19 **floor (e.g., basement, attic, or second story) of the principal dwelling may occupy the**
20 **entire level or floor, even if the floor area of the accessory dwelling unit would be**
21 **more than 800-900 square feet.**

22 3. One Unit. A lot or parcel may have a maximum of one accessory dwelling unit.

23 4. Exempt from Density Limits. Accessory dwelling units are exempt from the density
24 standards of the zoning districts in which they are located.

25 5. Unity of Ownership. An accessory dwelling unit shall not in any way be segregated in
26 ownership from the principal dwelling unit.

27 6. *Repealed by Ord. 2023-26.*

28 7. Short-Term Rental. Neither the accessory dwelling unit nor the principal dwelling unit
29 may be used as a short-term rental.

1 8. Sewer Connection. Both the principal dwelling unit and the accessory dwelling unit
 2 must be connected to the city sewer system. Neither the accessory dwelling unit nor the
 3 principal dwelling unit may use a septic system.

4 **9. Exempt from Maximum Lot Coverage. Accessory dwelling units are exempt from**
 5 **the maximum building coverage standards of the R1, R1-RE, VR, and RM zones.**

6 **SECTION 12.** Chapter 17.80 (*Provisions applying to special uses*), Subsection 17.80.040.A
 7 (*Standards for mobile or manufactured home parks, recreational vehicle parks, and tiny house*
 8 *developments*) is hereby amended to read as follows:

9 17.80.040 Standards for mobile **home parks** or manufactured **home dwelling** parks,
 10 recreational vehicle parks, and tiny house developments.

11 A. Mobile **Home Park** or Manufactured **Home Dwelling** Park Standards.

12 1. All mobile **home parks** or manufactured **home dwelling** parks shall comply with state
 13 statutes. ORS [197.493](#) allows the siting of RVs occupied as dwellings in a mobile **home**
 14 **park** or manufactured **home dwelling** park that is lawfully connected to utilities.

15 2. If space for a mobile **home** or manufactured **home dwelling** in the park is located more
 16 than 500 feet from a public fire hydrant, the mobile **home park** or manufactured **home**
 17 **dwelling** park shall install and maintain hydrants so that no mobile **home** or
 18 manufactured **home dwelling** within the mobile **home park** or manufactured **home**
 19 **dwelling** park shall be more than 500 feet from a hydrant when the park is fully occupied.
 20 Each hydrant shall be adjacent to a vehicular way within the mobile **home park**
 21 or manufactured **home dwelling** park and shall conform in design and capacity to the
 22 public hydrant standards in the city.

23 3. Except at driveway accesses, a sight-obscuring fence at least five but no more than six
 24 feet in height shall be located 10 feet back from the outer boundary of the mobile **home**
 25 **park** or manufactured **home dwelling** park. The mobile **home park** or manufactured
 26 **home dwelling** park shall be landscaped in accordance with Chapter [17.55](#) LCMC and
 27 reviewed as part of development review pursuant to LCMC [17.77.070](#).

28 4. Storage space (for boats, campers, etc.) shall be provided within the mobile **home park**
 29 or manufactured **home dwelling** park at the rate of one 10-foot by 20-foot space in size
 30 for every four mobile **homes** or manufactured **homes dwellings** within the park's
 31 designed maximum capacity. Adequate maneuvering room shall be provided.

32 5. *Repealed by Ord. 2023-26.*

33 6. Every mobile **home park** or manufactured **home dwelling** park must have a resident
 34 manager. The resident manager shall maintain a permanent residence within the mobile

1 **home park** or manufactured **home dwelling** park and shall be either the owner or
2 owner's authorized agent charged for the care and control of the mobile **home park**
3 or manufactured **home dwelling** park. The owner of the mobile **home park**
4 or manufactured **home dwelling** park shall notify the director of the name of the original
5 resident manager and all changes thereto within 14 days after any change takes place.

6 **7. Every mobile home park or manufactured dwelling park is subject to development**
7 **review in LCMC 17.77.070.**

8 **SECTION 13. Findings Adopted.** The findings contained in the Whereas Clauses of this
9 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
10 evidence in the whole record of this legislative proceeding are incorporated into this section by
11 reference as if fully set forth herein, and are adopted in support of this legislative action.

12
13 **SECTION 14. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
14 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
15 validity of the remaining sections, subsections, paragraphs and clauses.

16
17 **SECTION 15. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
18 takes effect 30 days after the date of its adoption.

19
20 **SECTION 16. Codification.** Provisions of this Ordinance shall be incorporated in the City of
21 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
22 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
23 re-lettered, provided that any Whereas clauses and boilerplate provisions need not be codified
24 and the City Recorder is authorized to correct any cross-references and any typographical errors.

25
26 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
27 9.2 of the City of Lincoln City Charter on the ___ day of ____, 2024 (First Reading and Second
28 Reading).

29
30 PASSED AND ADOPTED by the City Council of the City of Lincoln City this ___ day of
31 _____, 2024.

32
33 _____
34 SUSAN WAHLKE, MAYOR

35 ATTEST:
36
37 _____
38 JAMIE YOUNG, CITY RECORDER

39
40 APPROVED AS TO FORM:
41 _____
42

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EXHIBIT A

FINDINGS FOR ORDINANCE 2024-06 (ZOA 2024-06)

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on June 4, 2024. Notice for the public hearings before the Planning Commission on July 16, 2024, and the City Council on October 28, 2024, was published in the local newspaper on July 3, 2024, and October 16, 2024, respectively.

Summary:

Ordinance 2024-06 is the product of a code review conducted by the Department of Land Conservation and Development's consultants, MIG, Inc. to help facilitate the construction of prefabricated, modular, and manufactured housing products. The proposed code amendments remove local barriers to permitting and siting housing that is constructed of components manufactured off site, regardless of construction materials. At the same time, proposed amendment implement the recommendations from the DLCD Mass Timber Code-UP project, a federally funded effort to advance mass timber as a viable construction component in housing manufacturing. The Code-UP project provides technical assistance to ten jurisdictions to update their development codes consistent with guidance and recommendations identified in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

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 amendments are intended to expand the community's housing options by removing regulatory barriers to the development of prefabricated and manufactured housing products, as well as changing or adding provisions to better support opportunities for more affordable housing, including units constructed of mass timber. Smaller housing units, the components of which are manufactured off-site efficiently, may be more affordable than larger, site-built units. Facilitating construction of prefabricated and manufactured housing will enable more housing choices within existing and new neighborhoods, consistent with Goal 10's requirements around housing flexibility, and may result in housing that is more affordable than existing options. 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 proposed amendments support sustainable residential growth, fully utilizing planned residential land, and efficient land use patterns that discourage low-density sprawl. The amendments also support residential land use patterns and housing types that take full advantage of Lincoln City's zoned residential land, thereby reducing the need for vehicular travel and dependency on the private automobile. Reducing barriers to, and creating more opportunities for, prefabricated and manufactured housing can also facilitate efficient provision of public services and facilities and permit building configurations which increase efficient energy use. The proposed amendments clear the land use approval path to more types of housing, housing options that have the potential to be more affordable for the community and that use residential land more efficiently within the urban growth boundary.

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 amendments represent progressive planning that contributes to more affordable housing opportunities for Lincoln City residents. The proposed amendments support housing and sheltering options for all income levels and ages, as well as for vulnerable populations, by lowering barriers to developing prefabricated and manufactured housing, types that are likely to be more affordable than site built homes. The proposed amendments support creative redevelopment and/or rehabilitation of existing residential neighborhoods. Prefabricated housing provides an opportunity for infill development that may be more affordable than site built homes. The proposed amendments are 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

Ordinance 2024-17 excluding remote attendance at executive sessions

Meeting Date:	October 28, 2024	Primary Staff Contact:	David James Robinson
Department:	City Attorney	E-Mail:	drobinson@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 min

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2024-17, an ordinance that excludes remote attendance at executive session?

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-17 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2024-17.

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.

The Oregon Government Ethics Commission (OGEC) recently adopted Oregon Administrative Rule (OAR) 199-050-0050:

(4) 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. Nothing in this subsection prevents the governing body from establishing reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

LCMC 2.04.180

Council rule 4.4 When unable to physically attend a Council meeting, Councilors may participate in any Council meeting, *including executive session*, by telephone or other means providing real

time transmission and receipt of audio communication. Any Councilor attending by telephone is encouraged to attend for the entire meeting. (*emphasis added*)

Background:

The city attorney brought this issue before City Council in open session during staff report, advising Council of this newly adopted rule, and requesting guidance. Council reached consensus to direct the City Attorney to remove the allowance for remote attendance at executive sessions. The reasons discussed include the impossibility of determining who, other than Council members, permitted staff, or press, would be on the other end of a phone or electronic attendance, as well as the potential of unpermitted recording of the executive session.

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. 2024-17
An Ordinance Amending Ord. 2017-20 Exhibit A, the City of Lincoln City Municipal Code, 2.04.180 Section 4.4

Council:

1. Motion to approve First Reading of Ordinance 2024-17.

If unanimous: Conduct Second Reading

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

Ordinance No. 2024-17
An Ordinance Amending Ord. 2017-20 Exhibit A, the City of Lincoln City Municipal Code, 2.04.180 Section 4.4

Council:

1. Motion to approve Second Reading and adopt Ordinance 2024-17.

Attachments:

Ord. 2024-17 amending 2.04.180 excluding phone in to exec sess (DOCX)

2024-17 Exhibit 1 amending 2.04.180 excluding phone in to exec sess (DOCX)

Ordinance No. 2024-17
An Ordinance Amending Ord. 2017-20 Exhibit A, the City of Lincoln City Municipal Code, 2.04.180 Section 4.4

Whereas, Chapter 2, Section 2.1 and 2.2 of the City of Lincoln City Charter provide:

2.1 Powers of the City

The city has 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.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

Whereas, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

Whereas, Section 4.1 of the Lincoln City Charter provides that the "Council shall by ordinance prescribe rules to govern its members and proceedings;" and

Whereas, The City Council desires to amend City Council Rules Chapter 2.04.180 to amend Council Rules adopted by Ordinance 2017-20, in order to provide security to the subject matter of executive sessions by eliminating the ability for remote attendance.

The City of Lincoln City Ordains as follows:

Section 1: (LCMC 2.04.180 Appendix – Council Rules)

4.4 When unable to physically attend a Council meeting, Councilors may participate in any Council meeting, excluding executive session, by telephone or other means providing real time transmission and receipt of audio communication. Any Councilor attending by telephone is encouraged to attend for the entire meeting.

Section 2: Recitals and Findings Adopted. The recitals and findings contained in the Whereas Clauses and staff report, together with 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-lettered,
9 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be
10 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 14th day of October, 2024 (First Reading) and on
14 the 14th day of October, 2024 (Second Reading).

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of
16 October, 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

25
26
27
28

Exhibit 1

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

LCMC 2.04.180 Appendix – Council Rules

4.4 When unable to physically attend a Council meeting, Councilors may participate in any Council meeting, **including-excluding** executive session, by telephone or other means providing real time transmission and receipt of audio communication. Any Councilor attending by telephone is encouraged to attend for the entire meeting.

Council Communication

4th of July Drone Display Vendor Contract and Presentation (Revised)

Meeting Date:	October 28, 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

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 for a drone show with Sky Elements for July 4, 2025.

Authority:

Explore Lincoln City has the authority to contract with vendors who meet the requirements of a "vendor" for services. This contract is within the City Manager's spending authority; however, the City Manager's Office and Explore Lincoln City seek City Council approval to present a drone show for Fourth of July 2025.

Background:

Explore Lincoln City has been contacted by citizens, councilors and City staff regarding growing concern about the negative impacts that fireworks have on the environment and public safety. The annual City-sponsored fireworks show releases plastics, gun powder, heavy metals like lead, copper, cadmium, titanium, and aluminum and toxic chemicals like perchlorates into Siletz Bay, the Wildlife Refuge, the Taft District and Salishan Spit. These impact air quality, wildlife, waterways, soil and human health.

Simultaneously, there is growing concern about the impact that fireworks have on public safety and law enforcement. While professional shows are allowed within fireworks regulations, police have stated that City-sponsored fireworks

make it more difficult to justify and enforce fireworks regulations. Sponsoring fireworks is counterproductive to City efforts to educate against them.

Salishan Spit, the traditional fireworks launch site, is an exceptionally sensitive area, vulnerable to erosion and negative impacts on wildlife. Oregon Parks and Recreation Department has denied the City's permit to drive on the beach to clear the site for a fireworks launch and there is no guarantee they will continue to issue the required launch permit in the future.

Many cities in Oregon and around the nation have pivoted away from fireworks due to their myriad detrimental impacts. ELC conducted a feasibility and pricing study regarding a drone or laser light show, interviewed multiple companies and selected Sky Elements. Drone displays are visually appealing and set to music. The proposed show is 15-minutes in length, totally customizable, eco-friendly and would be the first presented for the 4th July on the Oregon Coast.

The contract for the 2025 drone show is \$70,250.18 and includes all company travel expenses, staffing and a customized show to music.

Responses to additional council questions from the October 14th meeting:

- We present a one-year contract instead of a three-year contract.
- The cost for one year is \$70,250.18. Half will be due in Fiscal Year 2024-2025 (FY25) and is available in ELC's current budget.
- Drone shows can withstand winds up to 30 mph. If a show must be canceled for weather, it is rescheduled at no cost.
- Music will be customized and amplified on site. A broadcast option is under consideration.
- ELC removed the content capture line item from this contract.

Council Options:

Move to approve the recommendation.

Deny the approval and instruct Explore Lincoln City on whether to pursue other options.

Financial Impact

This fiscal year would account for \$70,250.18 against Explore Lincoln City's Contracted Services – Events budget (822000-6201120)

Potential Motions:

Move to approve the one-year contract with Sky Elements.

Attachments:

Attachments:

Sky Elements Drone Display Contract - Revised (PDF)

Council_Presentation_Drone_Show_10.28.24_Revised (PDF)



This Agreement is made this the 17th day of October, 2024, by and between Sky Elements, LLC, a Texas limited liability company, whose address is 820 W Sandy Lake Drive, 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:

1. **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 Date(s): 7/4/25

Drone Count: 200

Display(s) Location: North of 397 Salishan Dr, Gleneden Beach, OR 97388

2. **Payment Terms.** Customer shall pay Sky Elements \$ \$70,250.18 Customer shall submit a 50 % deposit immediately upon execution of this Agreement. The balance remaining for each display(s) will be paid to Sky Elements seven days prior to each Display. Customer shall pay the Invoice by wire transfer, ACH, check, or credit card with 3.5% service fee. Failure to pay final balance before Display date could potentially delay the scheduled Display. Late payments are subject to a 6% annual interest charge on outstanding balances more than 10 days past due.
3. **Safety.** The performance of the Display(s) will start at the agreed upon time(s) if the launch site is secure and the conditions are safe to proceed as determined by Sky Elements in its sole discretion. The Parties agree that should unsafe conditions arise during the performance of the Display(s), as determined by Sky Elements in its sole discretion, Sky Elements’ Pilot in Command (“PIC”) may halt the display. The PIC may resume the Display(s) if the PIC determines that safe conditions are restored.
4. **Statement of Compliance.** Sky Elements complies with federal aviation law. In connection with these obligations, Sky Elements hereby represents and warrants to Customer that Sky Elements is obligated by federal aviation law to conduct all aerial operations within the limitations stated in Federal Aviation Administration Waiver No: 107W-2023-02319 (“**Waiver**”). Customer represents that nothing in this Agreement shall obligate Sky Elements to exceed or violate the terms of the Waiver.

5. Customer's Obligations.

- a) Customer shall be solely and entirely responsible for the following obligations:
 - i) Obtaining all necessary permissions from property owners, controllers, or authorized representatives required for the performance of the Display(s) at least seven days before the performance of the Display(s).
 - ii) Obtaining all necessary permits required by local governmental agencies (excluding FAA) at least seven days before the performance of the Display(s).
 - iii) Maintaining a safe operating area from which the Sky Elements crew will work, uninterrupted.
 - iv) Securing the area of operation to ensure only individuals necessary to the operation ("Participating Persons") are allowed in the area of flight operations as designated by Sky Elements.
 - v) Ensuring that only Participating Persons will be permitted within the perimeter of 100 feet from the area of primary flying.
 - vi) Ensuring that none of the Customer's employees, contractors, or representatives are operating a drone within 2500 feet of the Display(s) location during the performance of the Display, without prior approval by Sky Elements.
- b) Customer, and its employees, representatives, and agents, must respond promptly to any Sky Elements request to provide direction, information, approvals, authorizations, or decisions that are reasonably necessary for Sky Elements to perform the Display(s) in accordance with the requirements of this Agreement.
- c) If Sky Elements' performance of its obligations under this Agreement is prevented or delayed by any act or omission of Customer or its employees, representatives, and agents, Sky Elements shall not be deemed in breach of its obligations under this Agreement or otherwise liable for any costs, charges, or losses sustained or incurred by Customer, in each case, if arising directly or indirectly from such prevention or delay.

6. Cancellation.

- a) If Sky Elements is unable to perform the Display(s) due to (i) the Parties inability to obtain the requisite permissions to perform the Display(s), (ii) the illness, injury, or death of its employees or personnel who are intended to pilot and coordinate the Display(s), (iii) or due to the damage or destruction of Sky Elements' equipment during transit to the location of the Display(s) (each, an "Unforeseen Event"), and to the extent such Unforeseen Event was not directly caused by Sky Elements or its personnel, Sky Elements may cancel the Display(s) and any of its obligations under this Agreement by providing Customer notice as soon as reasonably possible before the Display(s). If a cancellation under this Section 5(a) is required,

Sky Elements will provide Customer a full refund of any amounts Customer paid to Sky Elements at the time of cancellation.

- b) If Customer cancels this Agreement more than 30 days before the scheduled date of the Display(s), the cancellation fee will be 50% of the full Invoice price regardless of whether such fees and expenses are incurred and regardless of whether other external conditions would have prevented the Display(s) from moving forward as scheduled.
- c) If Customer cancels this agreement less than 30 days, but more than 72 hours before the scheduled date of the Display(s), the cancellation fee will be 75% of the full Invoice price regardless of whether such fees and expenses are incurred and regardless of whether other external conditions would have prevented the operations from moving forward as scheduled.
- d) If Customer cancels this agreement less than 72 hours before the scheduled date of the Display(s), the Customer shall pay Sky Elements the total amount of the Invoice, regardless of whether such fees and expenses are incurred and regardless of whether other external conditions would have prevented the operations from moving forward as scheduled.

7. **Indemnification.**

- a) Customer shall defend, indemnify, and hold harmless Sky Elements, its agents, employees, heirs, representatives, successors, and assigns from and against any costs, losses, claims, liabilities, fines, expenses, penalties, and damages (including reasonable legal fees) in connection with or resulting from: 1) Any inaccuracy in any representation or breach of any warranty made by Customer under this Agreement; 2) Customer's gross negligence or willful misconduct in performing any of its obligations under this Agreement; 3) A material breach by Customer of any of its representations, warranties, covenants, or agreements under this Agreement; or 4) Any third-party claim based on, resulting from, or arising out of Customer's conduct under this Agreement.
- b) Sky Elements shall defend, indemnify, and hold harmless the Customer, its agents, employees, heirs, representatives, successors, and assigns from and against any costs, losses, claims, liabilities, fines, expenses, penalties, and damages (including reasonable legal fees) in connection with or resulting from: 1) Any inaccuracy in any representation or breach of any warranty made by Sky Elements under this Agreement; 2) Sky Elements' gross negligence or willful misconduct in performing any of its obligations under this Agreement; 3) A material breach by Sky Elements of any of its representations, warranties, covenants, or agreements under this Agreement; or 4) Any third-party claim based on, resulting from, or arising out of Sky Elements' conduct under this Agreement.

8. **Relationship of the Parties.** The relationship between the Parties is that of independent contractors. Nothing in this Agreement shall give Customer the right to instruct, supervise, control, or direct the details and manner of the completion of the Display(s). Nothing in this Agreement shall be construed as creating any agency, partnership, joint venture, or other form of joint enterprise, employment, or fiduciary relationship between the Parties, and neither Party shall have authority to Agreement for or bind the other Party.

9. **Intellectual Property.** All intellectual property rights, including images, text, graphics, film, audio, audiovisual works, copyrights, patents, patent disclosures, inventions (whether patentable or not), trademarks, service marks, trade secrets, know-how, and other confidential information, trade dress, trade names, logos, corporate names, and domain names, together with all of the goodwill associated therewith, derivative works, and all other rights (collectively, “**Intellectual Property Rights**”) in and to the Display(s), work product, and other materials that are delivered to or for Customer under this Agreement shall be owned by Sky Elements.
10. **Confidential Information.**
- a) Confidential Information disclosed by either Party shall be used by the receiving Party solely for the purposes authorized by this Agreement, unless otherwise approved in advance and in writing by the disclosing Party.
 - b) If the receiving Party is legally obliged to disclose any of the Confidential Information, the receiving Party shall promptly notify the disclosing Party so that the disclosing Party may seek a protective order or other appropriate remedy or waive compliance with the terms of this Agreement, at the disclosing Party’s sole discretion.
 - c) Under this Agreement, “**Confidential Information**” includes, but is not limited to, Sky Elements’ operating procedures, operations manuals, and any documents marked “Confidential.”
 - d) The Parties shall be entitled to injunctive relief for any violation of this Section.
11. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be the same agreement. A signed copy of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.
12. **Waiver.** No waiver of any right, remedy, power, or privilege under this Agreement (“Right”) is effective unless in writing signed by the Party charged with such waiver. No failure to exercise, or delay in exercising, any Right operates as a waiver thereof. No single or partial exercise of any Right precludes any other or further exercise thereof or the exercise of any other Right.
13. **Entire Agreement.** This Agreement contains the entire understanding of the Parties with respect to the subject matter hereof and supersedes all prior and contemporaneous written or oral understandings, agreements, representations, and warranties with respect to such subject matter. the Parties may not amend this Agreement except by written instrument signed by the Parties.
14. **Amendment & Assignment.** This Agreement may not be sold, assigned, amended, or transferred without the prior written consent of either Party. This Agreement may only be amended or modified in a writing which specifically states that it amends this Agreement and is signed by an authorized representative of each party.
15. **Successors and Assigns.** This Agreement is binding upon and inures to the benefit of the Parties and their respective successors and permitted assigns.
16. **No Third-Party Beneficiaries.** This Agreement is for the sole benefit of the parties hereto and their respective successors and permitted assigns and nothing herein, express or implied, is

intended to or shall grant to any other person or entity any legal or equitable right, benefit, or remedy of any nature under or because of this Agreement.

17. **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.
18. **Choice of Law.** Each party agrees that any legal action to enforce or defend with respect to this Agreement (a "Legal Action") shall be brought only in the District Court of the State of Texas in Tarrant County. Each party further accepts for itself, and in respect of its property, generally and unconditionally, the exclusive jurisdiction of that court with respect to any Legal Action and irrevocably waives any objection, including, without limitation, any objection to the laying of venue or based on the grounds of forum non convenience, which it may now or hereafter have to the bringing of any Legal Action in that jurisdiction and venue.
19. **Form of Written Notice.** Each Party shall deliver all communications in writing either in person, by certified or registered mail, return receipt requested and postage prepaid, by facsimile or email (with confirmation of transmission), or by recognized overnight courier service, and addressed to the other Party at the addresses that the receiving Party may designate from time to time in accordance with this Section.
20. **Severability.** If any provision or portion of this Agreement is found to be invalid, unlawful or unenforceable to any extent, such provision of this Agreement will be enforced to the fullest extent permissible by applicable law so as to affect the intent of the Parties, and the remainder of this Agreement will continue in full force and effect. Upon such determination that any term or other provision of this Agreement is invalid, unlawful, or unenforceable, the Parties hereto shall negotiate in good faith to modify this Agreement to affect the original intent of the Parties as closely as possible in a mutually acceptable manner so that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible.
21. **FAA Approvals and Authorizations.** Sky Elements shall obtain all necessary Federal Aviation Administration (FAA) approvals and authorizations to enable Sky Elements to perform fully hereunder, including airspace authorization needed for the Display(s).
22. **Representation and Warranty.**
 - a) Sky Elements represents and warrants to Customer that it shall perform the Display using personnel of required skill, experience, and qualifications and in a professional and workmanlike manner in accordance with generally recognized industry standards for similar services and shall devote adequate resources to meet its obligations under this Agreement.
 - b) In the event of a materially defective Display, being a display that is performed material different than the rendering or missing more than ten percent of the drones in the Display(s), Sky Elements shall, in its sole discretion, either:

- i) Reperform the Display(s) at a mutual agreed upon date; or
- ii) Credit or refund the price of the Display at the pro rata Agreement rate.
- c) The remedies set forth in this section shall be Customer's sole and exclusive remedy and Sky Elements entire liability for any breach of the limited warranty set forth in this section.
- d) Except for the warranty set forth above, Sky Elements makes no warranty related to its services, including any (a) warranty of fitness for a particular purpose; (b) warranty of title; or (c) warranty against infringement of intellectual property rights of a third party, whether express or implied by law, course of dealing, course of performance, usage of trade, or otherwise.

23. **Insurance:** Sky Elements will maintain the following insurance coverages in connection with the Display(s) described in this Agreement.

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 Agreement.

24. **Electronic Signatures.** Each Party agrees that the electronic signatures, whether digital or encrypted, of the Parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures.

25. **Marketing Materials.** Should Sky Elements provide marketing collateral, including but not limited to images, videos, mockups, or other such marketing materials to Customer. Subject to the terms and conditions of this Agreement, Sky Elements hereby grants Customer "License" a non-exclusive, non-transferable, revocable, limited license to use the Licensed Material solely for the purpose of promoting the specific upcoming Sky Elements drone show within a period of one (1) year from the Effective Date of this Agreement. All rights not expressly granted by Sky Elements are reserved. No other use is granted. Licensee shall not modify, alter, distribute, sublicense, sell, or create derivative works based on the Licensed Material without prior written consent from Sky Elements. Licensee shall maintain the integrity of the Licensed Material and shall not use it in a manner that discredits or tarnishes the reputation of Sky Elements. Sky Elements retains all copyrights and intellectual property rights to the Licensed Material. Any rights not expressly granted herein are reserved by Sky Elements.

26. **Survival.** Subject to the limitations and other provisions of this Agreement: (a) the representations and warranties of the Parties contained herein will survive the expiration or earlier termination of this Agreement for 12 months after such expiration or termination; and (b) Section 10 of this Agreement, as well as any other provision that, in order to give proper effect to its intent, shall

survive for a period of 24 months after such expiration or termination of this Agreement.

27. **Notices.** All notices required under this Agreement shall be in writing, signed by the party delivering such notice, and delivered to the respective addresses set forth below by overnight courier or by first-class mail with return receipt requested.

Sky Elements
ATTN: Preston Ward
preston@skyelementsdrones.com
(817) 538-3207
820 W Sandy Lake Rd. Suite 200
Coppell, TX 75019

Customer:
ATTN: Kim Cooper
Kcooperfindling@lincolncity.org
541-557-1271
801 SW HWY 101, Suite 401
Lincoln City, OR

All notices shall be effective upon receipt if sent by overnight mail, or three days after deposited via U.S. mail.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SKY ELEMENTS, LLC

BY: _____

Date: _____

Preston Ward, Manager / General Counsel

CUSTOMER

BY: _____

Date: _____

Printed Name: _____

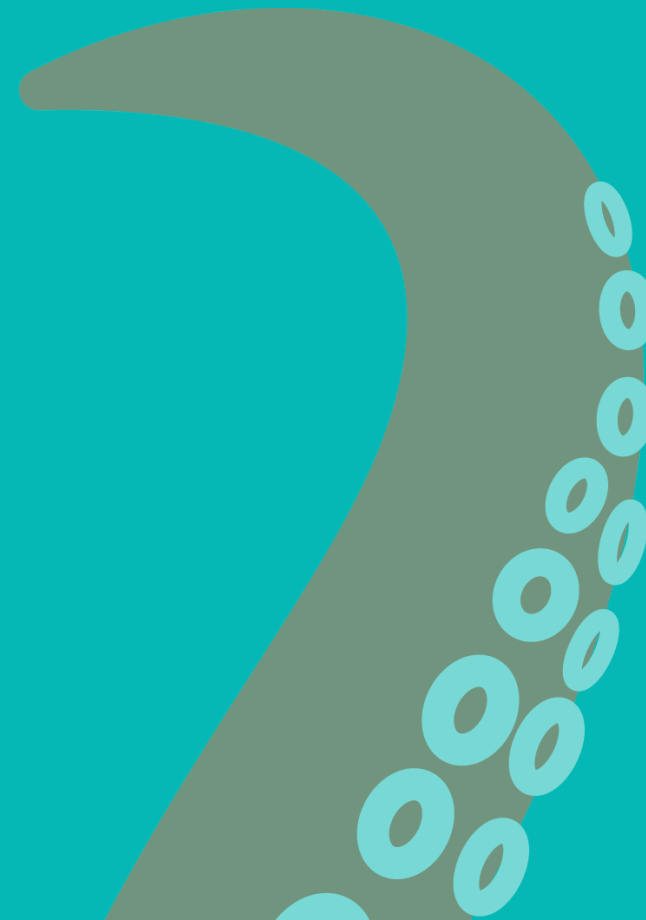
Company: _____

Title: _____



★ EXPLORE
**Lincoln
City**®

*July 4th
Drone Show*



City-Sponsored July 4th Fireworks

Each year, more counter-indicators to fireworks arise.

- While professional shows are allowed within fireworks regulations, police have stated that City-sponsored fireworks make it more difficult to justify and enforce fireworks regulations.
- Fireworks release plastics, gun powder, heavy metals like lead, copper, cadmium, titanium, and aluminum, and toxic chemicals like perchlorates into the Taft District, Siletz Bay, the Salishan Spit and the Wildlife Refuge. These impact air quality, waterways, soil and human health.
- Fireworks are known to cause harm to veterans, dogs, wildlife, and increase risk of wildfires. Approx. 40 fires were burning in Oregon this summer at the time of Lincoln City's show.



Looking Ahead - July 4th, 2025

- ❁ City councilors, staff and citizens have approached ELC regarding negative impacts of fireworks and to suggest moving away from a City-sponsored fireworks show in favor of a drone or laser light show.
- ❁ Drone light shows are an eco-friendly form of entertainment. There is no mess left behind, and some companies power shows using solar energy. The shows are colorful, fun, customizable, set to music, last 15 minutes and withstand winds up to 30 mph.
- ❁ 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 4th, 2025

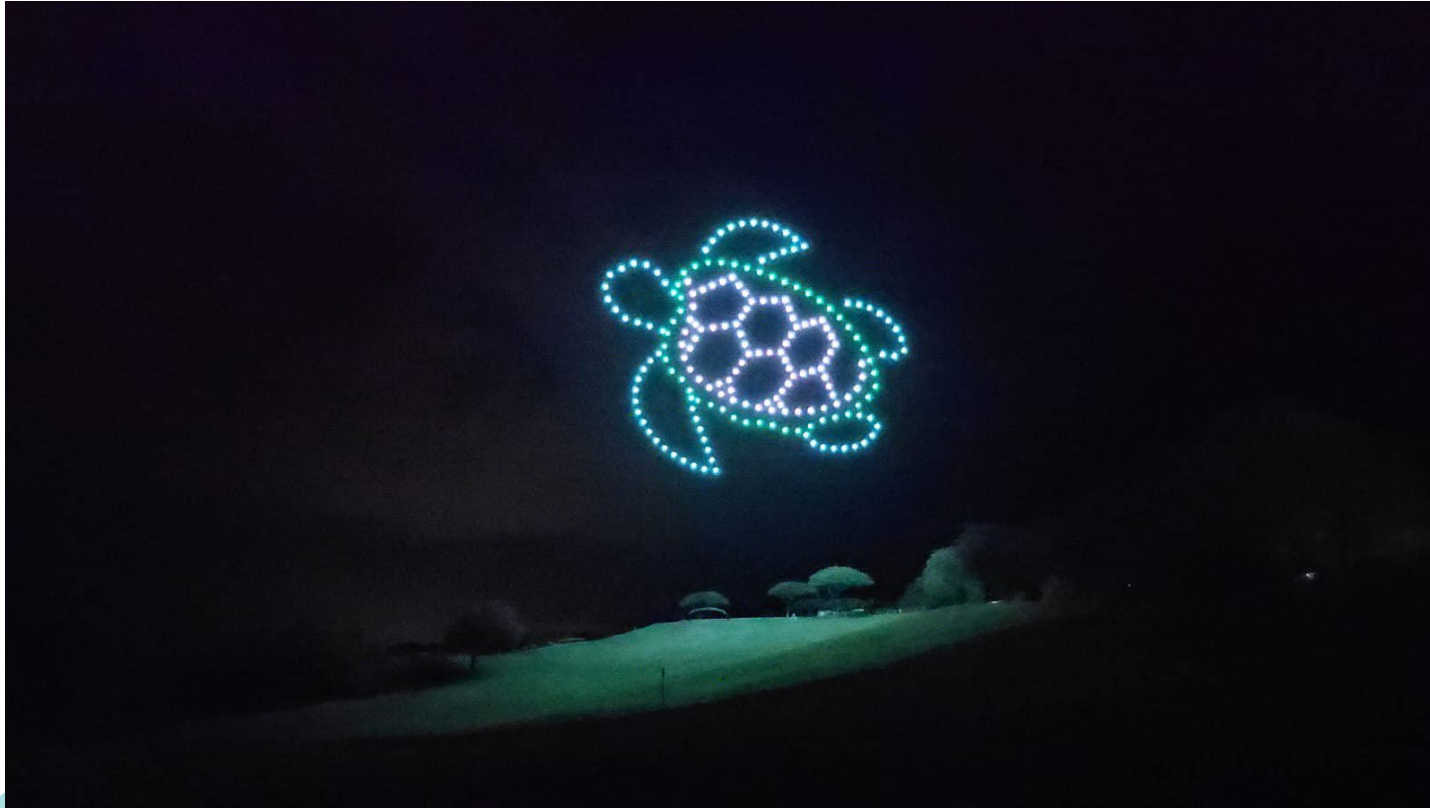
- ✿ ELC conducted a feasibility and cost study regarding drone and laser light shows. ELC considered three companies regarding availability and pricing.
- ✿ ELC recommends Sky Elements to produce a 200 -drone, 15-minute show for Lincoln City for July 4th, 2025. Sky Elements is the largest drone show provider in the U.S. and a seven-time Guinness record holder.
- ✿ A one-year contract is \$70,250.18. Pricing includes staffing, set to music and custom show design. Proposed launch site is Salishan Spit. In early talks, OPRD and Salishan are enthusiastic about a pivot to a drone show.



Looking Ahead - Drone Show Examples



Looking Ahead



Looking Ahead

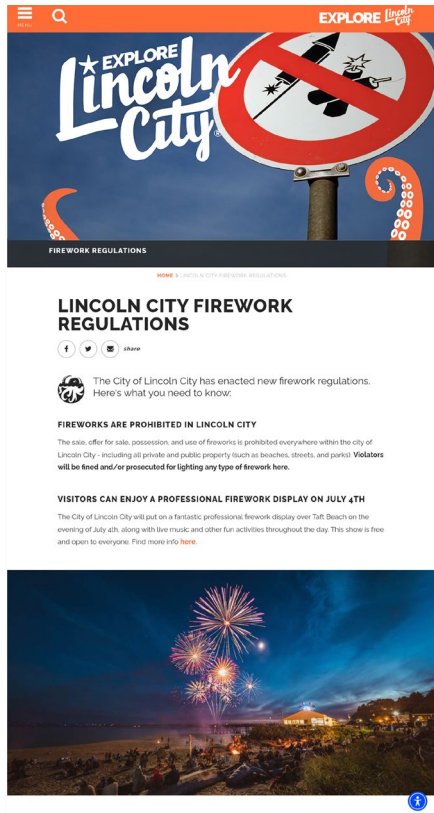


Looking Ahead - Education Campaign

- ✿ A drone show will complement Lincoln City's continued education campaign regarding fireworks regulations and prohibitions, public safety and stewardship.
- ✿ Goals:
 - ✿ 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 people and wildlife.
 - ✿ Create excitement about the first 4th July drone show on the Oregon Coast!



Public Education Campaign, 2024

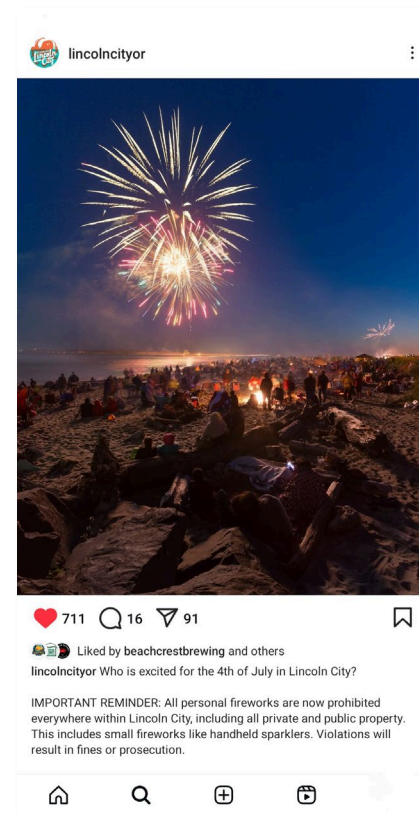


FIREWORKS ARE PROHIBITED IN LINCOLN CITY

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 4th 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

Re-appointment to Sustainability Committee - Applicant Leonard Folino

Meeting Date:	October 28, 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

Question:

Should the City Council approve the appointment 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. On October 14, 2024 Council voted to use the abbreviated appointment process pending a new background check. He has successfully passed a new background check.

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 reappointment Leonard Folino to the Sustainability Committee for a "City Resident" position for a term that expires 10/7/2027.**

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-2024 Folino.Leonard(PDF)



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Leonard Folino-- (Parks and Recreation, Planning, Library Committee Board)

Reference: Tony Anderson

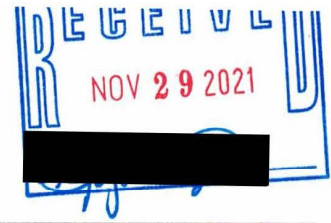
Reference taken by; date / time: November 29, 2021

- 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

- 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:

- | | |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Arts Committee | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input checked="" type="checkbox"/> 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.*

NAME:	Leonard Leo Folino	DATE:	11/25/2021
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	Same as above		
CITY, STATE, ZIP:	Lincoln City OR. 97367-3 [REDACTED]		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	None	CELL PHONE:	[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

FULL NAME:	Leonard Leo Folino
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	None
CELL PHONE:	[REDACTED]

DATE:	11/25/2021
VOLUNTEER SIGNATURE:	[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** 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

To: City of Lincoln City Mayor and Council
From: Human Resources Department
Date: October 16, 2024
Re: Council Volunteer Reappointment—Background Report

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation 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: Community Sustainability Committee

Respectfully,

Niña Graham

Niña Graham
Human Resources Supervisor