

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY MARCH 28, 2022 6:00 PM

6:00 PM - The Lincoln City Council meeting for March 28, 2022, will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by attending through Zoom invitation.

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.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

Citizens requesting to give public comment via Zoom 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 Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will need to leave the video off and 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 the City Recorder, 541-996-1203.

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.

All information for this meeting is available at www.lincolncity.org under "Public Meeting Calendar". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – March 14, 2022 6:00 PM
2. Regular Meeting – Minutes of Work Session – March 16, 2022 3:00 PM
3. Intergovernmental Agreement For Use of County Building Official on City Building Board of Appeals

E. COUNCIL DELIBERATIONS

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

G. PRESENTATIONS

4. Housing Update

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. CPA & ZC 2022-01 Purvine - map amendment and zone change from R-M to R-1-7.5
1. CPA & ZC 2022-01 Purvine - map amendment and zone change from R-M to R-1-7.5

J. ORDINANCES

2. ORDINANCE NO. 2022-10 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS
3. ORDINANCE NO. 2022-09 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.
4. ORDINANCE NO. 2022-13 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2. (ADMINISTRATION AND PERSONNEL), CHAPTER 2.05 (PUBLIC CONTRACTS), SECTION 2.05.090 (PERSONAL SERVICES CONTRACTS), PARAGRAPH I, TO INCREASE THE DURATION OF THE PRE-QUALIFIED SERVICE PROVIDERS FROM ONE TO THREE YEARS.
5. ORDINANCE NO. 2022-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.06 (CITY APPOINTIVE BODIES), AMENDING SECTION 2.06.015 (RECRUITMENT AND APPOINTMENT PROCESS), PARAGRAPH A. (RECRUITMENT), TO CLARIFY THE OPEN PERIOD FOR RECEIPT OF APPLICATIONS TO FILL VACANCIES ON BOARDS AND COMMISSIONS.

K. RESOLUTIONS

6. RESOLUTION 2022-10 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO CITY ADMINISTRATION (ADMINISTRATIVE FEES - BUSINESS RELATED) FEE SCHEDULE

7. RESOLUTION 2022-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN CITY ESTABLISHING A PROCESS FOR COMPLAINTS AGAINST DIRECT REPORTS

L. SPECIAL ORDER OF BUSINESS

8. Logan Culvert Replacement Design Contract Award

M. CITY MANAGER/CITY ATTORNEY REPORTS

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

9. Contract for Lila Bradley to Act as City Manager Until April 24, 2022 With Provision For Consulting Thereafter.

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

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

March 14, 2022, 6:00 PM

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

APPROVED BY CITY COUNCIL

DATE: _____

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM. Mayor Wahlke advised the public that there are now three ways to provide public comment.

1. Comments can be made through email to publiccomment@lincolncity.org;
2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by noon on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Excused	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Kirsten Brodbeck-Kenney, Library Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Elaine Starmer, Councilor Ward I
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – February 28, 2022, 6:00 PM
2. Arbor Day 2022 Proclamation

E. COUNCIL DELIBERATIONS

None

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

Ms. Bradley summarized an email comment received from Nikki Hayes regarding Uber and Lyft.

G. PRESENTATIONS

3. Update - Planning & Community Development

Anne Marie Skinner, Planning and Community Development Director, gave an update and goals of the Planning and Development Department. Ms. Skinner also thanked Michael Phillips and Amanda Gustafson for their work updating application packets. Ms. Skinner said that she would be holding sessions for the public to give feedback on the Comprehensive Plan. Ms. Skinner also said that she has a wonderful staff. Mayor Wahlke thanked Ms. Skinner for her presentation at the REIA meeting on Saturday. Councilor Mark said that he is pleased to hear code enforcement is being stepped up. Councilor Mark asked about the parking requirements when renovating a downtown property and what can be done. Ms. Skinner said the parking requirement comes into play if the building is expanded or the improvements are more than 50% of the assessed value. Ms. Skinner said that once the 50% is exceeded it requires landscaping and public infrastructure improvements as well. Ms. Skinner said that additional requirements also happen through FEMA when the 50% benchmark is reached. Ms. Skinner said that if the FEMA regulations were not followed the City would risk losing all of the FEMA Federal Insurance. Ms. Skinner said that she would work with Stephanie Reid and bring back some ideas to Council for changing the City's 50% requirement.

H. PUBLIC HEARING / ORDINANCE

- 4.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2022-10 Duplex Fix HB2001
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

Mayor Wahlke opened the public hearing at 6:42 PM. Ms. Skinner explained the ordinance and said this was triggered by the City exceeding a population of 10,000. Ms. Skinner said the duplex ordinance has to match the single-family dwelling requirements. No Citizens were present for public comment. Councilor Starmer asked about the parking requirements for a duplex. Ms. Skinner explained that she sent the

ordinance to the Oregon Department of Land Conservation & Development for review and this is the standard given to each jurisdiction. Councilor Starmer said the parking standard for a duplex looks inappropriate.

5.

MOTION:	Motion to Close the Public Hearing and the Record for Ordinance 2022-11 Bluff Fix
MOVER:	Sydney Kasner, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Voice Vote

Mayor Wahlke opened the public hearing at 6:49 PM. Ms. Skinner said this is to correct a word because there is not a maximum erosion rate. No Citizens were present for comment.

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Closing the Public Comment Period for Resolution 2022-07 - Planning and Community Development Fee Schedule Update

Mayor Wahlke opened the public hearing at 6:52 PM. No Citizens were present for public comment. Council gave unanimous consent to close the public comment period.

J. ORDINANCES

2. ORDINANCE NO. 2022-09 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.

MOTION:	Motion Approve First Reading of Ordinance 2022-09 Taxi Cab Services
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED:	Hoagland
RESULT:	Passed by Roll Call Vote

Councilor Mark said that on packet page 30, under C., should read vehicles for hire. Councilor Mark said page 32, under C., feels like there is a word missing. Mr. Appicello said that he would look at clarifying that. Councilor Mark asked about the steps to complete the application. Mr. Appicello said the reason he is asking to delay the second reading, is to work with the Finance department on the application process. Councilor Kasner asked about the application fee. Mr. Appicello said that is determined after the second reading within 30-days. Mayor Wahlke asked about limousines as they were previously listed. Mr. Appicello said that he would check that. Mayor Wahlke also asked about the airport shuttle service, that has a stop in Lincoln City and if they are licensed with the Port of Portland. Mr. Appicello said that he would verify that as well. Mayor Wahlke asked that on page 5 of the ordinance, lines 31 and 32, it looks like there is singular and plural. Mr. Appicello said he would make the changes and read them for the second reading. Mayor Wahlke said on the very last page, are the permits annually that are prorated or one year from the date of issue. Mr. Appicello said that is one of the issues the Finance Department wants to work with him about.

3.

MOTION: Motion to Continue Second Reading of Ordinance 2022-09 Taxi Cab Services
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

Postponed until March 28, 2022.

4. ORDINANCE NO. 2022-10 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS

MOTION: Motion Approve First Reading of Ordinance 2022-10 (Duplex Fix)
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Kasner, Casper, Mark, Parsons
NAYS: Starmer
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

5.

MOTION: Motion to Continue Second Reading and Adopt Ordinance 2022-10 (Duplex Fix) to March 28, 2022.
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

6. ORDINANCE NO. 2022-11 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.47 (NATURAL HAZARDS BEACHES AND DUNES), SECTION 17.47.020 (DEVELOPMENT IN IDENTIFIED HAZARD AREAS), PARAGRAPH D, TO CLARIFY THE CALCULATION FOR THE BLUFF SETBACK

MOTION: Motion Approve First Reading of Ordinance 2022-11 (Bluff Fix)
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

7.

MOTION: Motion Approve Second Reading and Adopt 22-11 (bluff fix)
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

8. ORDINANCE NO. 2022-12 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.16 (VIOLATIONS) AMENDING SECTION 1.16.070 (FINES AND ASSESSMENT AMOUNTS) AND SECTION 1.16.080 (RESPONSE BY DEFENDANT) TO CORRECT FINES FOR CLASS E VIOLATIONS

MOTION: Motion Approve First Reading of Ordinance 2022-12 Correct Fines for Class E Violations
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

9.

MOTION: Motion Approve Second Reading and Adopt Ordinance 2022-12 Correct Fines for Class E Violations
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

10. RESOLUTION NO. 2022-07 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FEES AND CHARGES FOR LINCOLN CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

MOTION: Motion to Approve Resolution 2022-07 Planning and Community Development Fee Schedule Update with Changes
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed via Voice Vote

Ms. Skinner explained the resolution and the changes made. Councilor Starmer said that she would like to revisit the fee schedule as a whole. Council gave consensus to change the VRD Land Use Review Fee from \$262.50 to \$300. Mr. Appicello said that VRD Land Use Review Fee would change from \$262.50 to \$300 and the format would change to landscape.

11.

MOTION: Motion to Address the Fees Removed From the Planning Fee Schedule at the Meeting of 3/28/2022
MOVER: Sydney Kasner, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

12. RESOLUTION 2022-08 A RESOLUTION DECLARING THE PROPERTY DESCRIBED IN EXHIBIT A AS SURPLUS PROPERTY, PROVIDING AN EXEMPTION FROM PUBLIC CONTRACTING RULES [LCMC CHAPTER 2.05, SECTION 2.05.080(L)], AND APPROVING DISPOSAL BY AUCTION

MOTION: Motion to Approve Resolution 2022-08 Declaring Property as Surplus
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Mayor Wahlke said that she appreciates the items coming before Council so the public knows what is available for auction.

- 13.

MOTION: Motion to Approve Resolution 2022-09 Authorizing Application for OPRD Local Government Grant
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Jeanne Sprague, Parks and Recreation Director, explained the ordinance and told Council about funding received from the State. Ms. Sprague said this grant application requires approval from the Council to apply. Councilor Mark wanted to know what the potential ask is on this grant. Ms. Sprague said it is \$750,000. Mr. Appicello said he would correct the footer.

L. SPECIAL ORDER OF BUSINESS

14. Boards and Committees Application Process

MOTION: Boards and Committees Application Process to Include a 30 Day Application Period
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed via Voice Vote

Council gave unanimous consent for the 30 days and a 30-day extension if no applications are received.

15. Planning Commission Vacancy

MOTION: Motion to Leave the Planning Commission Vacancy Open for 30-days from March 1st.

MOVER: Elaine Starmer, Councilor Ward I

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed via Voice Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Bradley said there is a work session on March 16th at 3 pm to talk about the Water Alliance and Council goals. Ms. Bradley said the work session on April 13th at 3 PM, would talk about Parks and Recreation and the Logan Road update. Councilor Starmer asked for a work session on March 30th at 3 PM to discuss the fee schedule.

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

16.

MOTION: Motion to Approve the Final Offer Version of the City Manager Employment Contract, with Changes, as Discussed in Executive Session, to Present to the Candidate for a Decision by End-of-Business on Friday, March 18, 2022, and Authorize Execution of the Contract by the Mayor and All Signers via DocuSign.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Elaine Starmer, Councilor Ward I

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

17.

MOTION: Motion to Consult with CIS on Project List Matter Where City Attorney Indicated a Conflict

MOVER: Mitch Parsons, Councilor Ward 1

SECONDER: Elaine Starmer, Councilor Ward I

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

18.

MOTION: Motion to Direct Staff to Prepare a Resolution to Set Forth Direct Report Complaint Process and Direct Process Be Used in the Interim

MOVER: Elaine Starmer, Councilor Ward I

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons

EXCUSED: Hoagland

RESULT: Passed by Roll Call Vote

19.

MOTION: Motion to Direct Executive Session Notice be Given, as Written, for March 28, 2022 Meeting
MOVER: Elaine Starmer, Councilor Ward I
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

20.

MOTION: Motion to Appoint a Subcommittee to Consider the Non-Profit Grant Applications and Bring Forward to Council
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Starmer, Kasner, Casper, Mark, Parsons
NAYS: Wahlke
EXCUSED: Hoagland
RESULT: Passed by Voice Vote

Councilor Casper, Councilor Kasner, and Councilor Mark were appointed to the subcommittee.

21.

MOTION: Motion to Direct Staff to Move Forward with an Ordinance to Ban All Retail Sales of Fireworks within the City Limits
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark
NAYS: Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Councilor Parsons will forward the survey results from REIA to the City Manager.

22.

MOTION: Motion to Hire Lila Bradley as City Manager Starting March 15, 2022, Until The New City Manager is Hired
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Elaine Starmer, Councilor Ward I
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
EXCUSED: Hoagland
RESULT: Passed by Roll Call Vote

Mayor Wahlke said the reason for this motion is to give Ms. Bradley the authority to hire and fire staff without going before Council.

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

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Starmer spoke about silent fireworks and will forward the email to Ms. Bradley.

Councilor Kasner said the HELP program through the Lincoln County School District is collecting donations of new undergarments with multiple drops located in Lincoln City including the Driftwood Public Library. Councilor Kasner said the emergency rental assistance closes tonight at midnight.

Councilor Mark is out of town on March 28th and March 30th. Councilor Mark thanked Ms. Bradley for filling in as City Manager.

Councilor Parsons said there is a ribbon-cutting Thursday, March 17th for Ginger Roots, 5 PM-7 PM at the Mall. Councilor Parsons said the grand opening for Tokyroll Sushi is Saturday, March 19th at 10 AM in the Mall. Councilor Parsons said the Chamber lunch is Tuesday, March 29th with Rep. David Gomberg speaking.

Mayor Wahlke said there would be a virtual town hall Thursday, March 17th with Senator Anderson and Rep. Gomberg. Mayor Wahlke said that she could provide more information or a link as needed. Mayor Wahlke asked about time and service recognition for employees. Mayor Wahlke would like to look at in-person meetings in May.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:49 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

March 16, 2022, 3:00 PM

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APPROVED BY CITY COUNCIL

DATE:

1. **CALL TO ORDER**

Mayor Wahlke called the meeting to order at 3:00 PM.

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	3:00 PM
Elaine Starmer	Councilor Ward 1	Present	3:00 PM
Sydney Kasner	Councilor Ward 2	Present	3:00 PM
Judy Casper	Councilor Ward 3	Present	3:00 PM
Riley Hoagland	Councilor Ward 2	Absent	3:00 PM
Rick Mark	Councilor Ward 3	Present	3:00 PM
Mitch Parsons	Councilor Ward 1	Present	3:00 PM

2. **DISCUSSION ITEMS**

A. Water Alliance

Ms. Bradley introduced the water alliance and asked Council for questions. Ms. Bradley said that the City is currently working on the water master plan and should be looked at next year. Councilor Kasner asked which City Manager was referred to in the memo from Mr. Hawker. Ms. Bradley said that it was probably from a records request. Mayor Wahlke said that she had a conversation with Senator Anderson and he encouraged her to be part of the new group and look at long-term

solutions. Mr. Appicello advised action to be taken at the next Council meeting. Mr. Appicello also said this alliance is not a legal entity.

B. Council Goal Discussion

Ms. Bradley introduced the City Council goals; Social Services Agencies, Code Enforcement, Community Engagement, Emergency Preparedness (supplies for caches, applicants for Emergency Management Coordinator), Community Service Officers instead of Sworn Officers (as well as VRD enforcement), Parks & Recreation (with an update already given), Economic Opportunities(March 28th Anne Marie Skinner and Alison Nelson-Robertson will give an update), Broadband, Budget for Economic Opportunities Tool Box, Park Board Priorities, Increase Parks and Transportation Funds, System Development Charges review (construction index 2-3%), TRT & VRD Fees.

Lt. Winn spoke about a Community Officer position and what the job would entail. Councilor Mark asked about reviewing VRD costs and fees. Ms. Bradley said Councilor Starmer brought up VRD costs at the City Council meeting and a work session has been scheduled. Councilor Starmer requested more money be given to the Police Department to monitor the beaches for the fourth of July. Mayor Wahlke is concerned about the fourth of July holiday falling on Monday and a long weekend of problems. Mayor Wahlke would like to be more specific with the goals, for instance, three or four. Councilor Starmer agrees and would like to dig deeper into the VRD regulations and fees. Councilor Kasner likes the idea of fewer goals but thinks five would be better than three.

Councilor Casper listed; natural resources, waste reduction and education (water preservation including VRD's & Motels), Villages progression (lifting of the PUD).

Ms. Bradley said they are looking to budget for grant matches, 31 pump stations needing upgrading (one per year), eliminate I & I in the SE 3rd Street area, watershed property purchase as close to the creek as we can (some were purchased from the County, need to purchase more with all the trees being cut and planting new they use more water).

Councilor Parsons listed; keeping up on the infrastructure, VRD ordinances (VRD personnel working on the weekend), and parks capital funding.

Councilor Kasner listed; natural resources/sustainability, emergency preparedness, housing, and economic development.

Councilor Starmer listed; VRD revisions (raise TRT to mitigate the impact and maximize those funds.

Councilor Mark said he had a chat with Representative Gomberg regarding TRT distribution. Councilor Mark asked why we do not get the tourist to pay more and wanted to know how much property taxes come from Motels and Restaurants. Ms. Bradley said she would send out the recap made by Debbie Bridges. Councilor Mark asked about increasing the fees for fireworks violations. Mr. Appicello said that the Police Department has the tools to do this, but it is difficult to catch people. Councilor Kasner asked if we are able to give out those citations. Lt. Broderick said that the Police do the best they can but they have to see them with the firework in their possession.

Councilor Starmer inquired about raising the fee for parking fees and penalties.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 3:58 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

IGA use of County Building Official

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Lila Bradley	Estimated Time:	5 mins.

Question:

Should the City Council approve the attached Intergovernmental Agreement for use of the County Building Official?

Staff Recommendation:

Staff recommends Council approve the Intergovernmental Agreement for use of the County Building Official.

Authority:

ORS Chapter 190

Background:

The City has previously entered into Intergovernmental Agreements with Lincoln County for use of the County's Building Official. (Due to allegations that Cities cannot legally perform such services using outside (third party) personnel, the city, in an abundance of caution, asked the Lincoln County Building Official to conduct oversight of such services through this Intergovernmental Agreement until such time as a court of competent jurisdiction rules on the issue). The legislature acted to correct the Third Party contractor problem, and the City has now made code changes and obtained necessary approvals to continue such third party services. One of the Code changes required by state law was to add the County Building Official as a member of the City's Building Board of Appeals. Ordinance 2022-04 provides in pertinent part:

- A.** The building board of appeals shall consist of three members to serve at the pleasure of the mayor and council. **When an appeal concerns a discretionary decision of the Contract Building Official, as defined in LCMC 15.04, the**

Building Board of Appeals shall include the Building Official for Lincoln County or the Building Official of an adjacent County.

This Intergovernmental agreement merely states that the City will reimburse the County for any such use of the Lincoln County Building Official's (time serving on the appeals board) at the County Building Official's loaded hourly rate.

Council Options:

1. Approve the IGA
2. Postpone discussion
3. Do not approve the IGA.

Potential Motions:

Council:

1. Motion to approve Intergovernmental Agreement for use of County Building Official.

Attachments:

IGA reimburse cost of Building official (DOCX)

**INTERGOVERNMENTAL AGREEMENT
FOR BUILDING OFFICIAL**

This agreement is entered into this ____ day of _____, 2022 by and between THE CITY OF LINCOLN CITY, Oregon, (hereinafter "City"), and LINCOLN COUNTY, Oregon (hereinafter "County").

- A. ORS 190.010 permits units of local government to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has authority to perform; and
- B. The County Building Official has authority to perform building official services in the County and in the City limits with the agreement of the City.
- C. City has amended its Municipal Code (Ordinance 2022-04) to address the requirements of SB866 for use of third party building officials. One of the requirements imposed by the legislature was the inclusion of the County Building Official on the City's Building Board of Appeals.
- D. The City would like to address compensation for such service by the County Building Official, should the Official's services be required for an appeal.

NOW, THEREFORE, in consideration of the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. RECITALS.** The recitals set forth above are true and correct and are incorporated herein by this reference.
- 2. DURATION/ TERM.** [ORS 190.020(1)(e)]. The term of this agreement shall commence after execution by all parties and shall expire in five years from the date of approval of this agreement.
- 3. REAL OR PERSONAL PROPERTY.** [ORS 190.020(1)(d)]. No real or personal property is being allocated between the parties.
- 4. FUNCTIONS, SERVICES, OR ACTIVITIES.** [ORS 190.020(1)]. Lincoln County agrees to permit their Building Official to serve on the Building Board of Appeals for the City, in the event of an appeal requiring the Building official's services. The County building official performing services for the City within the City's jurisdiction pursuant to this

agreement, shall have all jurisdiction, authority, powers, functions, and duties of the City of Lincoln City with respect to any and all administrative and permit decisions, as well as violations of the applicable state laws, including state specialty codes adopted and enforced as part of City and County ordinances.

5. PAYMENT / TAXES / LIENS. [ORS 190.020(1)(a)]. The City of Lincoln City shall pay to Lincoln County the loaded hourly rate for the documented amount of time spent by the County Building Official serving on the City Building Board of Appeals. Payments made to the County shall be made promptly after invoice. Nothing in this agreement requires the County to bill the City for such services.

6. REVENUE. [ORS 190.020(1)(b)]. The parties do not anticipate any change in revenues derived pursuant to this agreement. That is, all revenues are received by the City, (such as appeal fees, permit fees, and inspection fees), shall remain the property of Lincoln City.

7. PERSONNEL. [ORS 190.020(1)(c)]. No employees will be transferred pursuant to this agreement. County and City are subject employers under ORS Chapter 656, and shall procure and maintain current valid workers compensation insurance coverage for all subject workers throughout the period of this agreement. This agreement does not change the status of any employee, contractor, or officer of the respective City and County.

8. TERMINATION. [ORS 190.020(1)(f)]. This agreement may be terminated by mutual consent by the parties at any time, or by either party, for any reason, upon sixty (60) days' notice in writing or delivered by certified mail or personal service to the other party. Such termination shall be without prejudice to any obligations or liabilities of either party accrued prior to such termination. The prior IGA between the City and County for County Building Official oversight of the City's program (while the legislature dealt with the third party building official question) is hereby terminated.

9. INDEMNITY / HOLD HARMLESS. It is the intention of the City of Lincoln City to be solely responsible for the actions of the Lincoln County Building Official and Lincoln City inspectors and personnel while acting pursuant to this agreement for the benefit of Lincoln City with the full power and authority of the City. Accordingly, to the extent permitted by Article 11, Section 7, and Article 11, Section 10 of the Oregon Constitution and the Oregon Tort Claims Act, the City of Lincoln City shall hold harmless, defend and indemnify Lincoln County from any and all claims, demands, damages or injuries, liability of damage, including injury resulting in death or damage to property, that anyone may have or assert by reason of any error, act or omission of Lincoln County Building Official

acting pursuant to this agreement, or of Lincoln City building officials, inspectors and technicians, arising out of or in the performance of his/her duties under the terms of this agreement. Provided however, the City of Lincoln City shall not be held responsible for any claims, actions, costs, judgments or other damages, directly and proximately caused by the criminal or wanton acts of Lincoln County employees or the gross negligence of such employees. Such indemnification shall also cover claims brought against either party under state or federal employees' compensation laws. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

10. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS. Notices and requests required by and given in connection with this agreement and all other communications related to this agreement shall be in writing or email and deemed given as of the day they are received by (a) personal delivery, (b) electronic, (c) overnight delivery service, (d) United States mail, certified and return receipt requested, and addressed as follows:

City of Lincoln City
 Attn: City Planning Director
 P.O. Box 50
 Lincoln City, OR 97367

Lincoln County
 Attn: County Planning Director
 210 SW 2nd Street
 Newport, OR 97365

Changes may be made to the names and addresses of the person to whom notices, bills, and payments are to be given by providing notice pursuant to this paragraph.

11. SEVERABILITY. In the event that any part of this IGA is found to be illegal, or in violation of public policy, or for any other reason unenforceable, such finding shall in no event invalidate or render unenforceable the other parts of this agreement.

12. MERGER. This writing is intended both as the final expression of the agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless it is made in writing and signed by those parties agreeing to said modification. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no

understandings, agreements or representations, oral or written, not specified herein regarding this agreement.

City of Lincoln City, Oregon

Lincoln County, Oregon

By: _____
Susan Wahlke, Mayor
City of Lincoln City

By: _____
Doug Hunt, Chair

By: _____
Claire Hall, Commissioner

By: _____
Kaety Jacobson, Commissioner

Approved as to Form:

Approved as to Form

Richard Appicello, City Attorney

Kristin H. Yuille, County Attorney

Planning Staff Report

Housing Update

Meeting Date: March 28, 2022 Primary Staff Contact: AnneMarie Skinner
 Department: Planning Commission E-Mail: ASkinner@lincolncity.org
 Secondary Dept: Secondary Contacts: Alison Robertson
 Approval: Estimated Time:

Objective:

The objective of this meeting is to provide City Council with an update on housing efforts.

Timeline of Activities & Meetings:

- 2009 (July 27), Urban Renewal Agency adopts a Substantial Amendment to the Urban Renewal Year 2000 Development Plan to include an Economic Development assistance program, as a project category to the plan.
- 2011, Lincoln Community Land Trust (now Proud Ground) completes County Workforce Housing Needs Assessment.
- 2012 (August 13), Economic Development Options were presented to the Urban Renewal Agency for consideration at a future meeting; new commercial tools adopted in 2013-2014.
- 2014, Workforce Housing added to the Year 2000 Development Plan list of possible projects.
- 2017, Housing Needs Assessment adopted by City Council.
- 2018 (February), public properties offered to development community through Request for Expressions of Interest (RFEI); 3 properties for residential projects and 4 properties could include residential as mixed-use projects.
- 2018 (March 12), housing update to City Council.
- 2019 (March 18), City Council work session on housing.
- 2019, City Council reduced parking count for multi-family residential construction
- 2019, Four-Flat Dwellings ordinance
- 2019, Tiny House Developments ordinance
- 2019, ADU changes removing parking requirement for the ADU, removing subjective design requirements, removing owner-occupancy requirement - all as mandated by state legislation
- 2019 (September 23), County Housing Strategy Plan accepted by Council via Resolution 2019-02 [Lincoln City, Newport, and the Tribes partnership with Lincoln County on affordable housing grant from DLCD (Department of Land Conservation & Development)]

- 2019 (March 25), Economic Development Toolbox created by UR Agency and City Council; staff directed to establish criteria for tools, including those to assist with housing.
- 2020 City entered into agreement with Helping Hands Re-entry Program to address transitional housing.
- 2020 (May 11), housing update to City Council.
- 2020 (September 28), City Council emergency (fire/wind even) Resolution #2020-22
- Allowing some temporary RV/mobile home parks for emergency housing.

Summary of Need & Annual Unit Counts - Lincoln City:

Lincoln City has been proactive in addressing housing efforts at all parts of the housing continuum. The 2017 Housing Needs Assessment says:

- There are a total of 5,734 housing units in Lincoln City (2014 ACS data - most recent); with fairly even distribution among owner-occupied dwellings, renter-occupied dwellings, and second homes/short-term rentals.
- The need for housing units in Lincoln City, over the next 20 years (to 2036) is between 1,484 (Scenario A-Baseline Housing Forecast) and 1,814 (Scenario B-Baseline + Workforce Housing Forecast). Staff was tracking housing production based on the average of these two scenarios (1,649, or about 82 units per year for 20 years) but believes the upper threshold of Scenario B is a more accurate assessment of need since it includes workforce housing needed to address a portion of the gap created by a lack of attainable housing.

From 2016-2021, a total of 452 housing units have been constructed by the private sector alone. 282 (62%) of these units are single-unit detached dwellings. 7% of the units have been manufactured homes, 4% duplexes, and 25% multi-unit (3+ units) dwellings. For the 6-year running total, using Scenario B as our goal, the City has a deficit of 94 housing units.

Please note:

- New apartment units are currently in development review to include:
 - 107 units - IHI affordable housing at the City's NE 25th Street property
 - 18 units - called the SAM apartments
- All counts are based on new building permits. This would exclude motel conversion projects or other housing shelters that rely on existing buildings or facilities to create temporary housing.

Housing Tasks (Completed & Pending):

In March 2019, the City Council had a Work Session to discuss housing efforts. Those

meeting packet materials can be found on the City's website. Since then, staff has implemented Council goals to address housing at all levels of the housing "continuum" in the following ways:

- 1) Transitional Housing - property acquisition and partnership (loan for improvements) with Helping Hands.
- 2) Workforce Affordable Housing Development - property acquisition (for access) and partnership with Innovative Housing Inc. to construct income qualified (80% MFI and below) rental apartment units. Development Review Application submitted March 2022; construction start estimated for summer 2022 with completion in 2023.
- 3) Completed assisting Proud Ground with home buyer down payment grant through OHCS (Oregon Housing and Community Services)
- 4) Economic Development Toolbox - residential opportunities for City and URA loan programs
- 5) Sale of City "remnant" properties in 2021; revenue estimated at \$159,865 total, which can be used to further housing objectives
- 6) Affordable Housing 'Shelf-Ready' Plans - under review for process/implementation/liability clause document, then will be uploaded to City website
- 7) Continue to implement recommendations from: Lincoln City Economic Opportunities Analysis & Housing Needs Assessment (2017); Lincoln County Housing Strategy Plan (2019); Statewide Housing Plan-6 priority strategies over 5 years (2019); Lincoln County 10-year Housing Plan 2.0 (At Home in Lincoln County) (2012); League of Oregon Cities Housing Needs Survey (2018)
- 8) Grant received from Lincoln County (\$20,000) for City homelessness efforts (Transitional Housing property acquisition)
- 9) Grant received from Lincoln County (\$15,000) for URA workforce affordable housing efforts (property acquisition for improved access to City-owned development site)
- 10) Grants received from Business Oregon Brownfield Assistance Program (\$46,000) for City workforce affordable housing efforts (Environmental Site Assessments: City NE 25th Street property, Phase I ESA; City NE Reef Avenue property, Phase I; URA 2510 NE Hwy 101 property, Phase II ESA)
- 11) Series of Code Amendments to address lesser requirements (off-street parking, common area, design standards) for housing, including:
 - Adding a section for affordable housing
 - Adding a definition of affordable housing
 - Revise cottage development requirements, tiny house development requirements

- Incorporate HB 2006 Emergency Shelter Siting
- Incorporate HB 2008 Religious-Owned Affordable Housing Siting
- Incorporate HB 2583 Occupancy limitations
- Incorporate HB 3109 Childcare Facility Siting
- Incorporate HB 3261 Motel Conversion siting
- Incorporate SB 8 Affordable housing land use requirements
- Incorporate SB 458 middle housing land division

Budget as Proposed for FY 22-23:

- City Workforce Housing Fund - partnership opportunities with Proud Ground (\$50,000 for state grant match) and Habitat for Humanity of Lincoln County (\$75,000 for pre-development assistance)
- Funding to consider continued public property development partnerships for housing (NE 25th Street and Fernwood Phase 1)

Attachments:

Tracking_Housing_2022_0303_BreakOutType (PDF)

2017_LINCOLN_CITY_EOA-HNA-BLI_-_FINAL_WITH_APPENDIX (PDF)

Housing_MFI_chart_2021 (PDF)

Type	2016	2017	2018	2019	2020	2021	6-Year Total (2016-2021)	2035 Forecast Scenario A (Needed Units; P.27 HNA)	2035 Forecast Scenario B (Needed Units; P.27 HNA)
Single Family Detached	42	49	53	49	43	46	282	798	940
Townhouse	0	0	0	0	0	2	2	0	0
ADU	0	3	1	0	1	0	5	0	0
Manufactured Home	5	6	3	6	7	6	33	141	185
Duplex	4	8	4	0	1	2	19	160	205
Multifamily (3+)	29	0	30	0	42	10	111	385	484
Total	80	66	91	55	94	66	452	1484	1814
Annual Average (20 years)								82	91
Difference from Avg - Scenario A	-2	-16	9	-27	12	-16	-40		
Difference from Avg - Scenario B	-11	-25	0	-36	3	-25	-94		

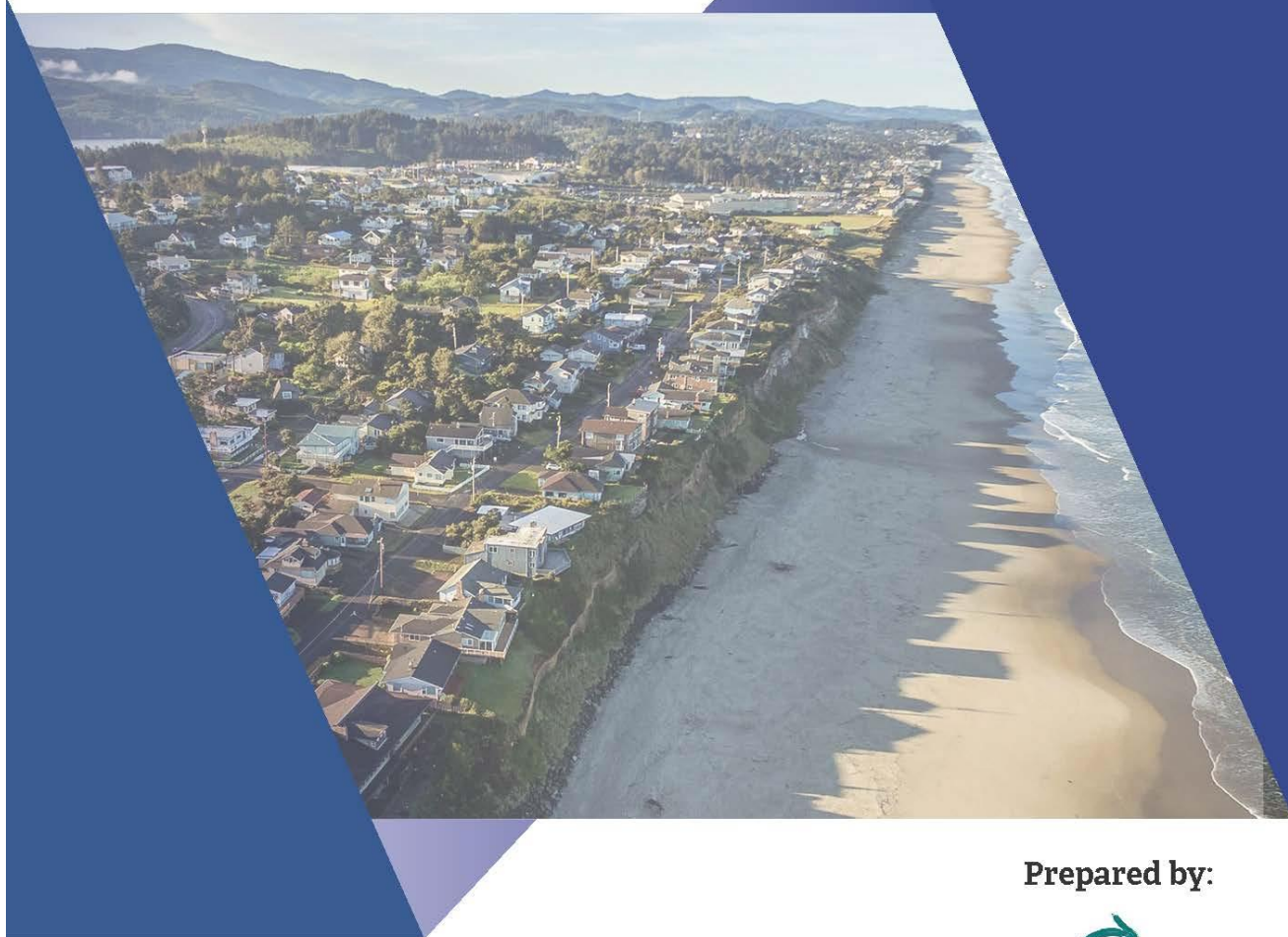
As of 03/15/22

City of Lincoln City

Economic Opportunities Analysis and Housing Needs Analysis



April 2017



Prepared by:



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INTRODUCTION

The Lincoln City Economic Opportunities Analysis (EOA) and Housing Needs Analysis (HNA) provide a factual basis for the City to ensure there is sufficient land to accommodate population and employment growth over the next 20 years. The EOA and HNA also establish policies and objectives to guide planning efforts that seek to make Lincoln City a more economically viable community and provide housing options that meet the needs of its residents.

Oregon Regulatory Requirements

Lincoln City is undergoing a review of its Comprehensive Plan per Oregon requirements. As part of the Comprehensive Plan update, the City must address the requirements of Goal 9 (Economic Development, OAR 660-009) and Goal 10 (Housing).

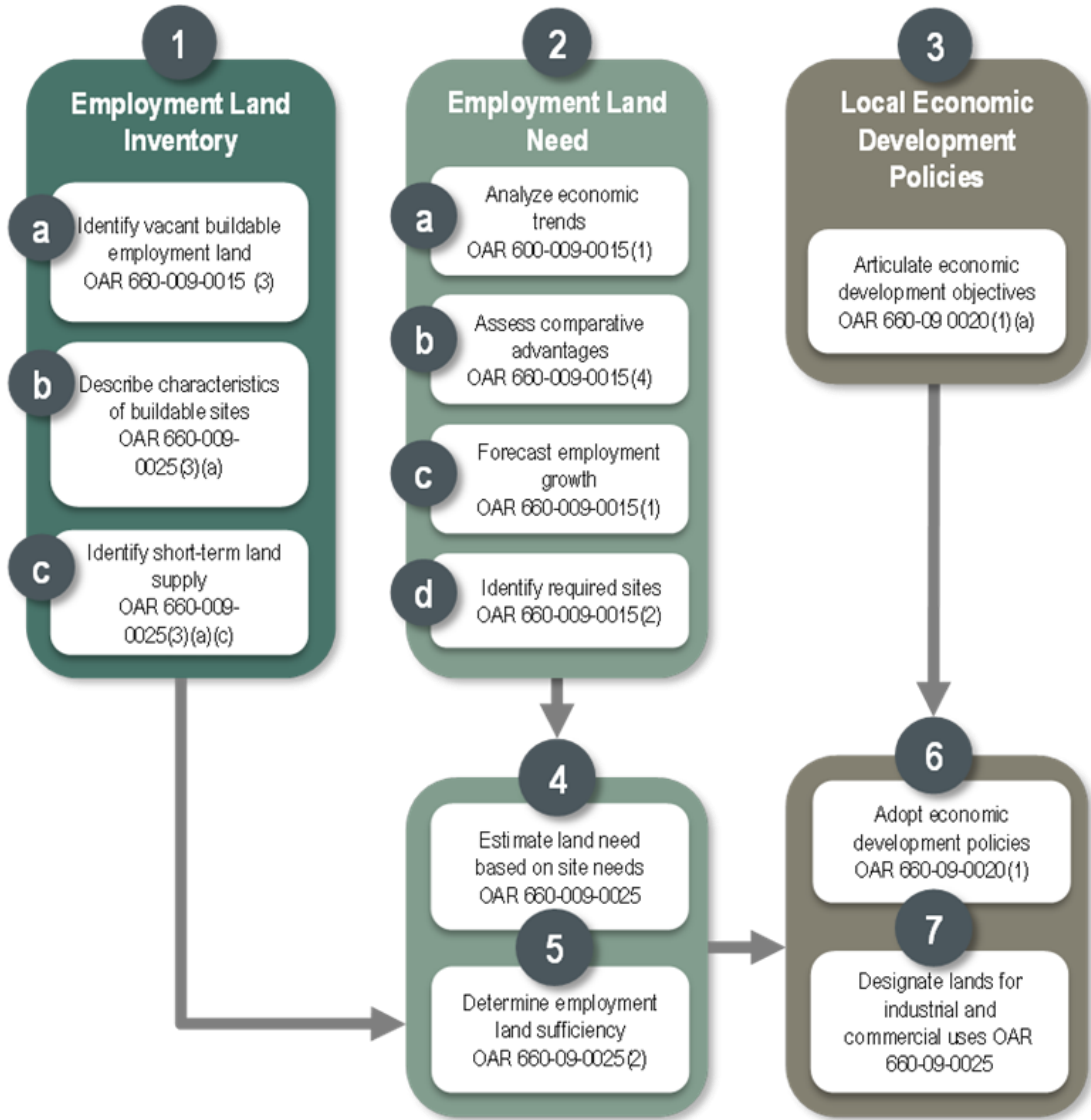
These goals require cities to periodically review and update the following:

- Local vision for strengthening local economies through the adoption of local economic policies that include community economic development objectives;
- Local urban growth requirements (land needs) for providing an adequate land needed to accommodate 20-year employment and population growth forecasts. Land needs are to be based upon:
 - Current analysis of vacant and part-vacant buildable lands that are zoned or planned to accommodate employment and housing growth.
 - Forecast land needs and housing requirements in a manner that's consistent with regional growth forecasts and coordinated population growth forecasts.

Methodology

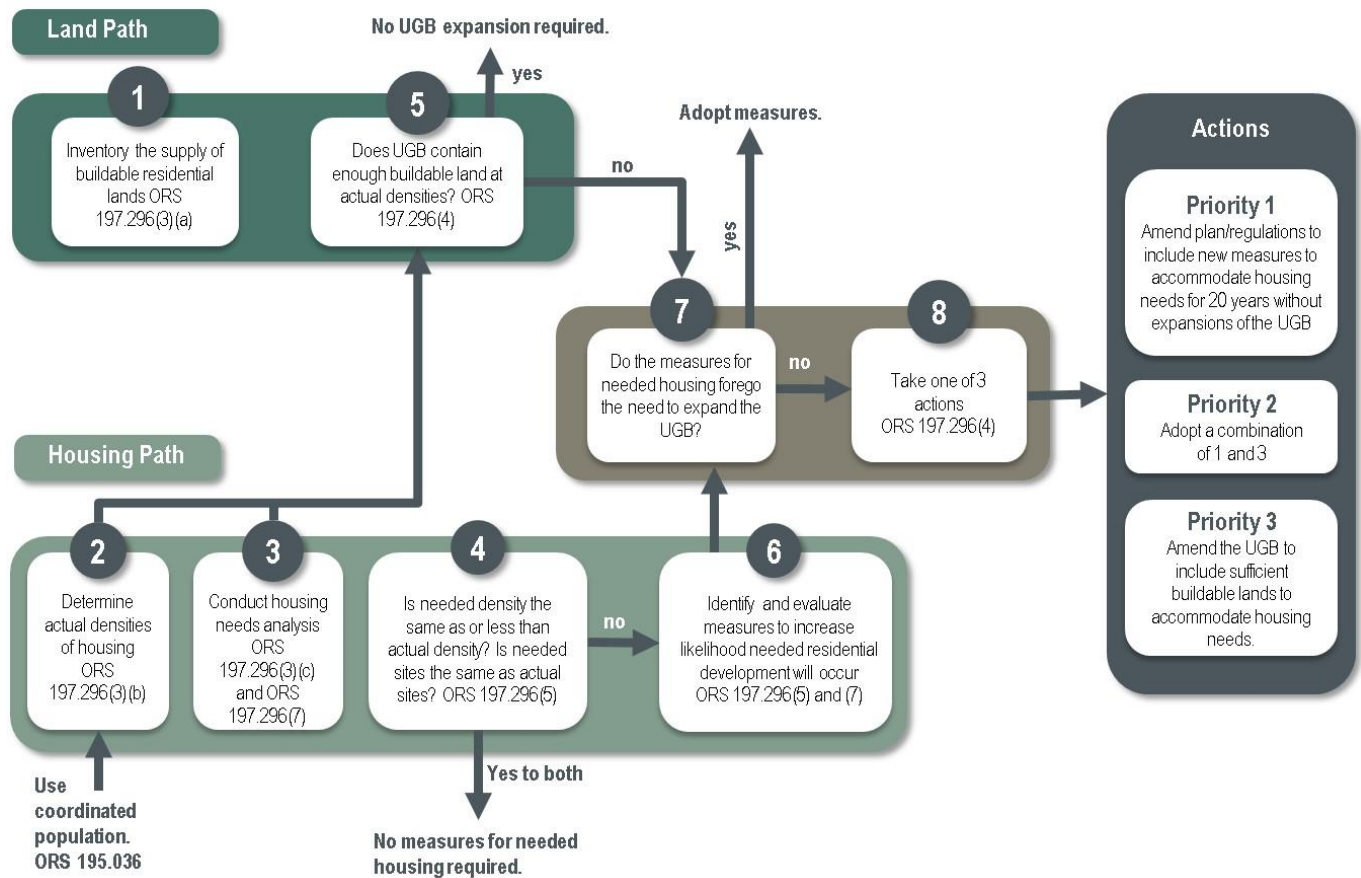
The technical and political approach used for the Lincoln City EOA and related steps are illustrated in Exhibit 1. This approach has been deemed to be consistent with the DLCDC Goal 9 administrative rule, the supporting OAR 660 guidance, as well as other supporting guidance provided per the *DLCDC Industrial & Other Employment Lands Analysis Guidebook (2005)* and the *Economic Development and Employment Land Planning Guidebook (July 2010)*.

Exhibit 1. Economic Opportunities Analysis Process



The approach used for the Lincoln City HNA and related steps are illustrated in Exhibit 2. This approach is consistent with the DLCD Goal 10 administrative rule, the supporting statutes, as well as guidance provided per the DLCD guidebook titled: *Planning for Residential Growth (1997)*. ORS 197.296 applies specifically cities of 25,000 people or more, but the statute is generally followed to determine housing needs for Lincoln City (pop. 8,485). Also, since the local coordinated population forecast for Lincoln City will not be release by Portland State University until July 2017 (per Oregon legislative amendments adopted in 2013), this analysis forecasts future Lincoln City population growth based on the City’s expected “capture” of Lincoln County forecasts prepared by the Oregon Office of Economic Analysis.

Exhibit 2. Housing Needs Analysis Process



ECONOMIC DEVELOPMENT AND HOUSING OBJECTIVES

The Lincoln City Economic Development and Housing Objectives are based on a discussions held by the TAC at their July 7, 2016 and September 27, 2016 meetings. The economic development objectives reflect the economic history of Lincoln City, changes affecting that tradition and new opportunities for economic development. The housing objectives reflect housing strengths, challenges and opportunities. The intent of these objectives is to guide the decisions of the TAC and planning team throughout the process. The objectives will serve as the basis for new comprehensive plan goals and policies.

Economic Development Objectives

- Encourage local businesses that provide family-wage jobs to locate in Lincoln City.
- Support the growth of existing businesses and entrepreneurs.
- Foster Lincoln City’s recreation and tourism based economy, particularly during off-peak times (e.g. pursue a regional sports complex).
- Support the success of businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.
- Encourage development of a local workforce with the skills that Lincoln City businesses need.
- Encourage the development of housing affordable to Lincoln City’s workforce.

- Develop telecommunications and other infrastructure necessary to support home-based businesses and workers.
- Improve the transportation system to support economic development. Explore the use of Devil’s Lake for transportation purposes.
- Coordinate economic development efforts with local and regional partners.

Housing Objectives

Encourage the development of affordable and workforce housing:

- Investigate ways to reduce fees on new construction of affordable and workforce housing, while ensuring new infrastructure is not underfunded.
- Facilitate development of affordable housing on city-owned properties.
- Periodically review the development code’s regulations and zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses and senior housing.
- Involve employers in efforts to provide and support workforce housing.
- Enact strategies to ensure that sufficient appropriately zoned land is available within the city and outside the tsunami inundation zone, such as increasing densities and annexing new lands.
- Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping, and services.
- Streamline the permitting process for affordable and workforce housing.

ECONOMIC TRENDS AND FORECASTS

Economic Overview

This section includes an economic and market analysis of office, commercial, industrial and public government development for the Lincoln City area. This analysis focuses on the expected level of demand for new development related to job growth in Lincoln City over the next 20 years.

The United States (U.S.) economy is growing slowly since the last Great Recession.¹ Trends indicate moderate growth in the U.S. gross domestic product (GDP), which is the dollar value of all goods and services produced. The U.S. economy is expected to realize 2.0% year-over-year GDP growth in 2016 and a 2.2% year-over-year growth rate in 2017, compared with the 2.4% experienced in 2015. U.S. GDP growth in 2017 is expected to be much higher at 2.4% as consumer prices and wage growth pick up (Exhibit 3)

The U.S. Consumer Price Index (CPI) also has begun to increase consistently, though some years have been stronger than others, with an increase of 0.1% in 2015 marking the low end and a 1.4% increase in 2016 marking the high end since the end of the last recession.

¹ According to the National Bureau of Economic Research, the “Great Recession” occurred between December 2007 and June 2009.

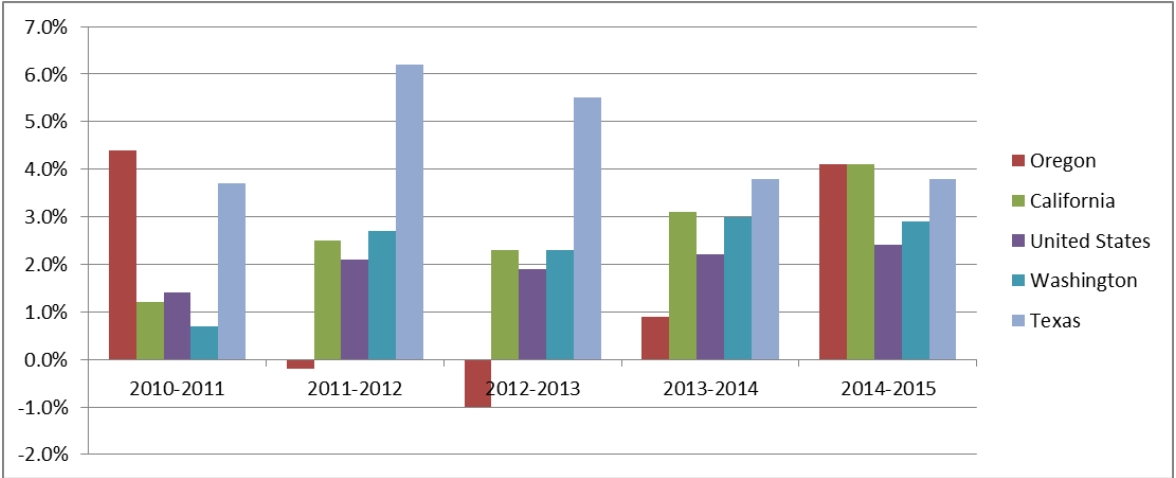
Exhibit 3. Global GDP Growth Projection

	GDP			CPI		
	2015	2016 est.	2017 proj.	2015	2016 est.	2017 proj.
Advanced Economies	1.9%	1.8%	2.2%	0.3%	0.9%	1.5%
United States	2.4%	2.0%	2.2%	0.1%	1.4%	2.4%
Eurozone	1.5%	1.6%	1.9%	0.0%	0.2%	1.2%
United Kingdom	2.3%	1.6%	1.9%	0.0%	0.6%	1.4%
Japan	0.6%	0.3%	1.2%	0.8%	0.0%	1.0%
Korea	2.6%	2.6%	2.8%	0.7%	0.9%	1.9%
Canada	1.1%	1.9%	2.7%	1.0%	1.5%	1.9%
Developing Economies	4.0%	3.9%	4.0%	4.7%	5.5%	5.3%
China	6.9%	6.5%	4.0%	1.4%	2.1%	2.0%
India	6.6%	7.2%	7.6%	6.0%	4.9%	5.2%
Mexico	2.5%	2.6%	2.8%	2.7%	2.9%	2.8%
Brazil	-3.9%	-4.2%	-1.0%	9.0%	9.0%	7.2%
Russia	-3.7%	0.3%	1.7%	15.6%	7.3%	5.9%

Source: Wells Fargo Bank, Forecast as of June 27, 2016. Abbreviations: CPI - Consumer Price Index, GDP - Gross Domestic Product
 Compiled by FCS GROUP.

Oregon’s GDP has fluctuated significantly since the end of the Great Recession. According to the U.S. Bureau of Economic Analysis, the Oregon economy grew at the 22nd fastest rate in the U.S. since 2010 in terms of percent GDP growth, as shown in Exhibit 4.

Exhibit 4. GDP Growth in Oregon, the United States and Select States

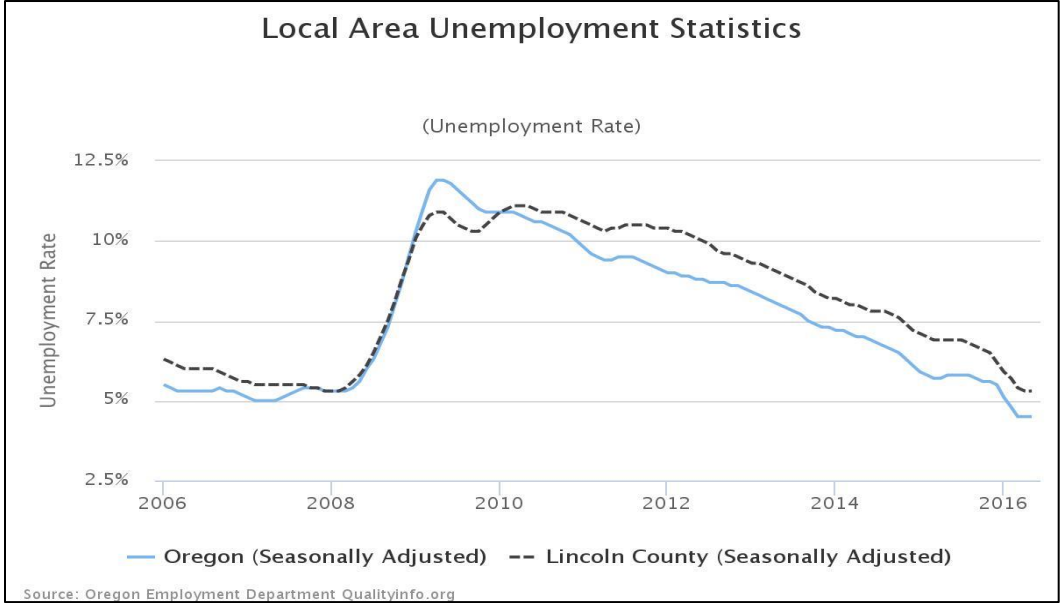


Source: US Bureau of Economic Analysis, Compiled by FCS Group.

Despite modest GDP growth for the state, many rural areas of Oregon are still recovering from the high unemployment brought on by the Great Recession. The statewide unemployment rate peaked at a seasonally adjusted rate of 11.6% in May 2009 before dropping to 4.5% in May 2016 then increasing to 5.5% as of September 2016, as shown in Exhibit 5. Lincoln County has followed the state trend closely, consistently maintaining an unemployment rate within one percentage point of the state average.

Like most coastal counties in Oregon, Lincoln County experienced relatively higher unemployment levels than the state. As of September 2016, Lincoln County had an unemployment rate of 6.3% and total employment is down about 1,600 jobs from the high recorded before the Great Recession.

Exhibit 5. Unemployment Rates, Lincoln County and Oregon, 2006-2016



Since the unemployment rate is a measure of the percentage of workers that are actively looking for a job, it does not reflect factors regarding labor participation rates and under-employment (workers that have accepted low paying jobs since other jobs are not available locally). Labor participation rates, the share of civilian population that is employed or unemployed) have been decreasing nationally since 1998 and are relatively low in Lincoln County (51%) compared with the state average (61%).

Population

Lincoln City’s economy is driven to a large degree by tourism. Hence, population and visitation from Oregon and west coast residents has a major bearing on local and service employment. National migration patterns point towards faster population growth for Oregon and the western U.S. than the nation as a whole. According to the U.S. Census Bureau, population increases in the West are projected to grow at an average annual rate of 1.6% compared to 1.0% nationally over the next 20 years.

Over the last 15 years, population in Lincoln City increased by more than 14%, up from 7,437 residents in 2000 to 8,485 in 2015. Lincoln City’s average annual growth rate (AGR) in population has consistently outpaced the growth rates exhibited by Lincoln County as a whole (Exhibit 6).

Exhibit 6. Population Trends

	2000	2010	2015	AGR 2000-2010	AGR 2010-2015
Lincoln City	7,437	7,930	8,485	0.6%	1.4%
Lincoln County	44,479	45,857	47,225	0.3%	0.6%
Oregon	3,421,399	3,761,925	4,013,845	1.0%	1.3%

Source: U.S. Census Bureau and Portland State University Population Research Center.

Abbreviations: AGR = average annual growth rate

Compiled by FCS Group.

Lincoln County population is projected to increase by 0.66% annually between 2015 and 2030 while Oregon is projected to grow by 1.1% annually during the same period (Exhibit 7).

Exhibit 7. Population Forecasts

	2015	2020	2025	2030	2035	AGR
Lincoln County	47,225	49,535	51,371	52,857	53,895	0.66%
Oregon	4,013,845	4,252,100	4,516,200	4,768,000	4,995,200	1.10%

Source: Office of Economic Analysis, Department of Administrative Services, State of Oregon,

Forecasts of Oregon's County Populations and Components of Change, 2010-2050.

Compiled by FCS Group. AGR = average annual growth rate.

Income and Employment

Income levels in Lincoln City are well below Lincoln County and the state, but this income gap is closing. Between 1999 and 2014, income for Lincoln City residents has increased measurably, outpacing the County and the state in income growth. Similarly, Lincoln City's per capita income has trended upward, gaining on Oregon and the U.S. while keeping pace with Lincoln County. Increases in local income came despite two recessions occurring during the 2000-2014 timeframe (Exhibit 8).

Exhibit 8. Income Trends

		1999	2014	AGR
Median Household Income	Lincoln City	\$24,779	\$35,524	2.4%
	Lincoln County	\$32,690	\$42,429	1.8%
	Oregon	\$40,818	\$50,521	1.4%
	U.S.A.	\$41,851	\$53,482	1.6%
Per Capita Income	Lincoln City	\$15,597	\$20,895	2.0%
	Lincoln County	\$18,692	\$25,130	2.0%
	Oregon	\$20,940	\$27,173	1.8%
	U.S.A.	\$21,587	\$28,555	1.9%

Source: Census (in 1999 dollars) and 2014 ACS 5-year estimates

Compiled by FCS Group. AGR = average annual growth rate.

At the end of 2014, the total number of total “covered jobs”² in Lincoln County was still below pre-recession levels, particularly in the services sector. However, over the past four years (2011-2015) employment has improved within all four major job sectors (Exhibit 9). These employment estimates tend to understate the total number of employees that work in Lincoln County because the Oregon Employment Department job counts tend to exclude home-based workers and other workers that are not “covered” by unemployment insurance. More detailed information is found in Appendix A.

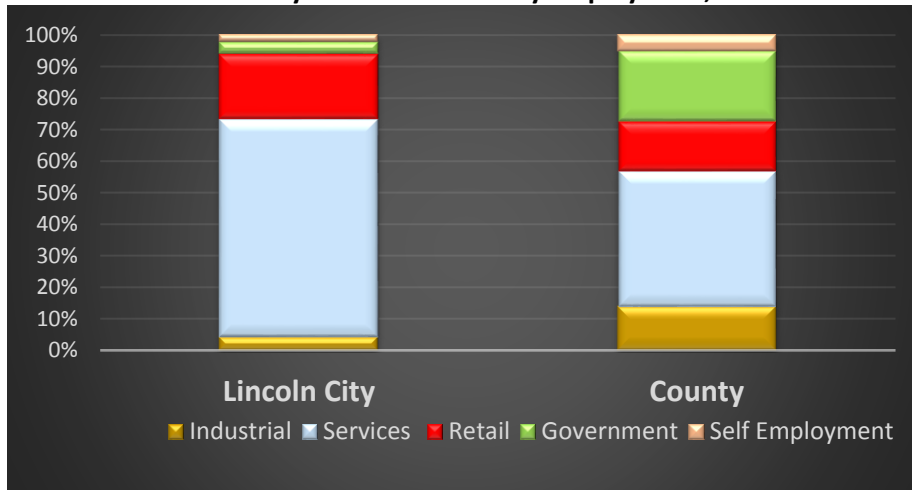
Exhibit 9. Lincoln County Covered Employment Trends, 2005-2015



Source: Oregon Employment Department; FCS GROUP.

Exhibit 10 shows the top two employment sectors within Lincoln City; services and retail.

Exhibit 10.: Lincoln City and Lincoln County Employment, 2014



Source: Oregon Employment Department; FCS GROUP.

² Covered jobs reflect average annual at-place-of-work employment for the reporting of workers’ compensation insurance by the Oregon Employment Department.

The top employers in Lincoln City include health care (Samaritan North Lincoln Hospital), entertainment (Chinook Winds Casino), and several retail and food service establishments (Exhibit 11). Note, this list excludes Lincoln County school district employment.

Exhibit 11. Largest Employers in Lincoln City

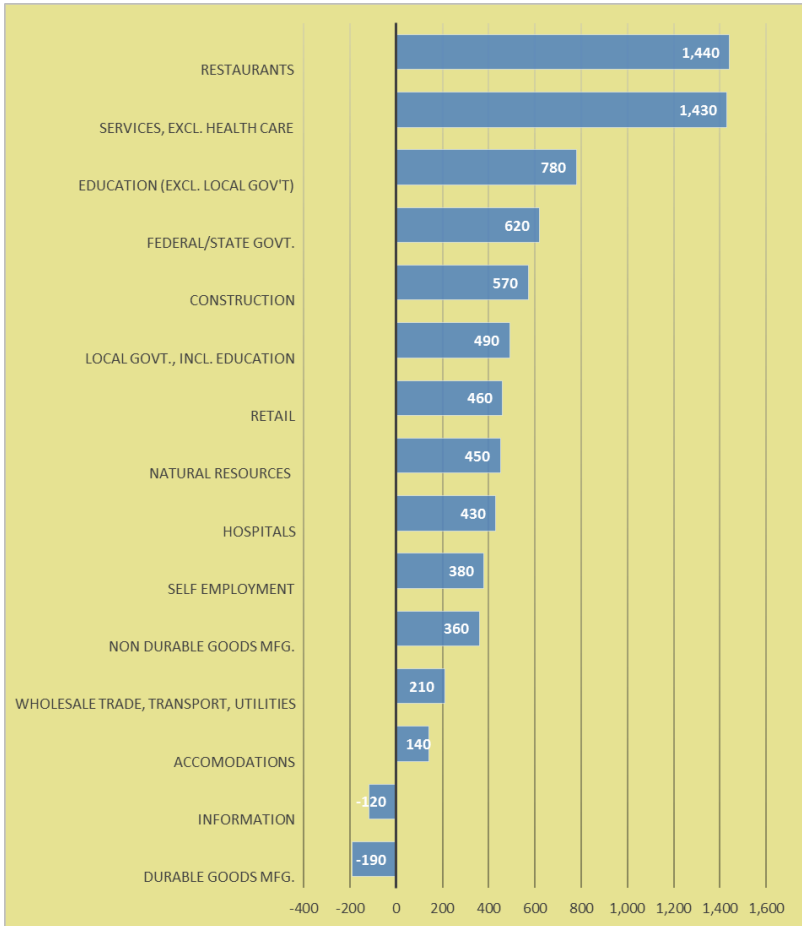
Name	Employment
Surftides Inn on the Beach	50 to 100
Kyllos Seafood & Grill	50 to 100
Lakeview (assisted living)	50 to 100
Inn at Spanish Head	50 to 100
Contractors Clearing House, Inc.	50 to 100
Mo's Restaurant	50 to 100
Safeway Stores, Inc.	100 to 150
City of Lincoln City	150 to 200
Samaritan North Lincoln Hospital	300 to 400
Chinook Winds Casino	750 to 1,000

Source: Dun and Bradstreet (2014), FCS GROUP.

Employment Growth Forecast

The Oregon Employment Department (OED) prepares employment forecasts for defined “regions” in the state. Lincoln County is a part of Oregon’s “Northwest Region” which includes four north coastal counties: Lincoln, Clatsop, Columbia and Tillamook. As shown in Exhibit 12, the Northwest Region is expected to experience positive growth over the next 10 years in all job sectors, with the exception of information sector and durable goods manufacturing. The sectors that should see the most jobs added include: restaurants, services, education, federal/state government, construction, retail, natural resources (such as timber and fishing), hospitals and independent contractors.

Exhibit 12. Northwest Oregon Job Growth by Industry, 2014-2024



Source: Oregon Employment Department. Compiled by FCS Group. Includes Lincoln, Clatsop, Columbia and Tillamook counties.

Location Quotient Analysis

Location quotient (LQ) analysis is a way of determining which business sectors are clustered in Lincoln City compared to other Oregon coastal counties. This approach reveals what makes the local economy unique relative to a broader geography. The LQ analysis indicates existing and potential emerging business clusters within Lincoln City based on their size, as measured by payroll, and growth potential. The data used for the cluster analyses were derived from 2014 OED wage and salary employment statistics.

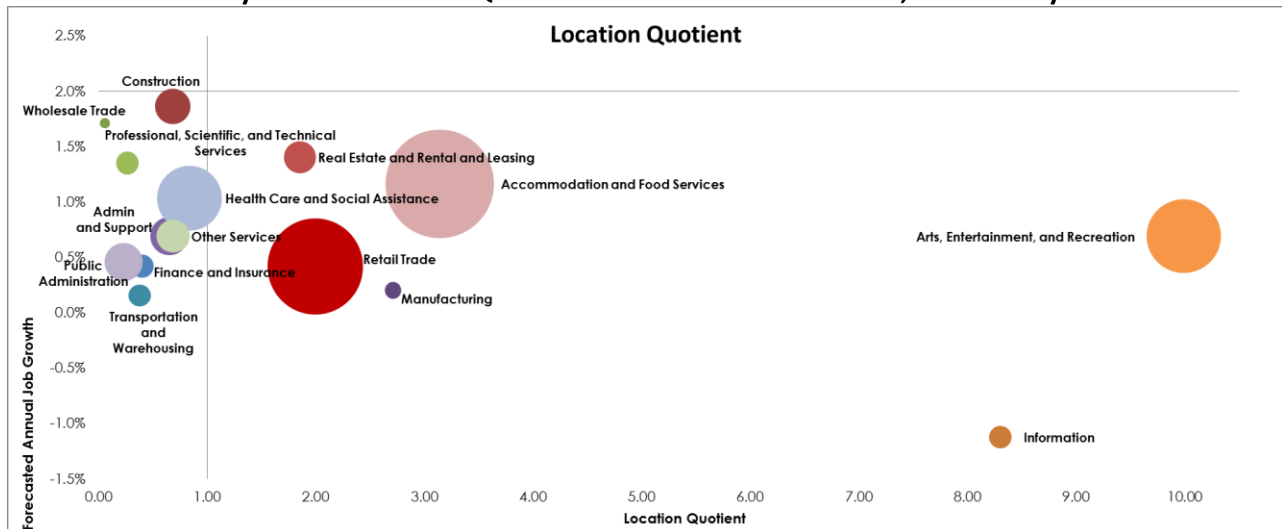
As shown in Exhibit 13, the “Arts, Entertainment and Recreation” business cluster, which includes the Chinook Winds Casino, has a particularly high LQ. The LQ for this cluster is 10, signifying that the business cluster is 10 times more concentrated in Lincoln City than average.

An LQ of less than 1.0 may represent a business cluster with either a competitive disadvantage (e.g. lack of access to key markets) or pent-up demand. Clusters with pent-up demand could represent “emerging” opportunities if the job growth rate is projected to be higher than average. For example, the Health Care and Social Assistance cluster has a 0.9 LQ and a high job growth forecast, so it may now be in position to expand if local employment sites are available.

The LQ analysis for Lincoln City identifies potential target business clusters for Lincoln City, such as:

- Arts, Entertainment and Recreation has a high LQ and 1.0% annual job growth forecast, which could represent expansion of casino-related entertainment, arts/writers’ galleries and workshops, and destination-oriented recreation (e.g., sporting events, weddings).
- Accommodations and Food Services is a high LQ cluster expected to support new or expanded hotels and restaurants, meeting facilities and culinary arts programs.
- Health Services is a potential emerging cluster with lower than average LQ and could include hospital expansion, specialty treatment center, health services training center, etc.
- Business Services sector has pent-up demand that may require new office locations or home-based businesses for professional services, such as engineering, accounting and legal services.
- Niche Manufacturing has a high LQ and could result in artisan businesses that require flex space for specialty product manufacturing, food processing, furniture/cabinet warehouse/showroom, etc.

Exhibit 13. Industry Cluster Location Quotients and Forecasted Growth, Lincoln City



Source: Compiled by FCS Group based on Oregon Employment Department data from 2014.

Tourism Market

Visitor spending has remained a bright spot along the central and north coast of Oregon. Lincoln City enjoys access to abundant recreational areas, such as the Siuslaw National Forest, Devils Lake, Siletz Bay, river estuaries and nearby Salishan Resort and Depoe Bay. Major attractions also include Chinook Winds Casino and Resort and local breweries and wineries. The U.S. 101 corridor is an Oregon Scenic Byway as well as an “All-American Road.” Lincoln City also is home to major events including the Siletz Bay Music Fest and the Fall Kite Festival, which draw thousands to the area.

Exhibit 14 depicts trends in visitor spending within Lincoln County from 2009 to 2015. Trends show visitor spending in Lincoln County reached record levels in 2015 at \$519.5 million, up 4.9% from the prior year.

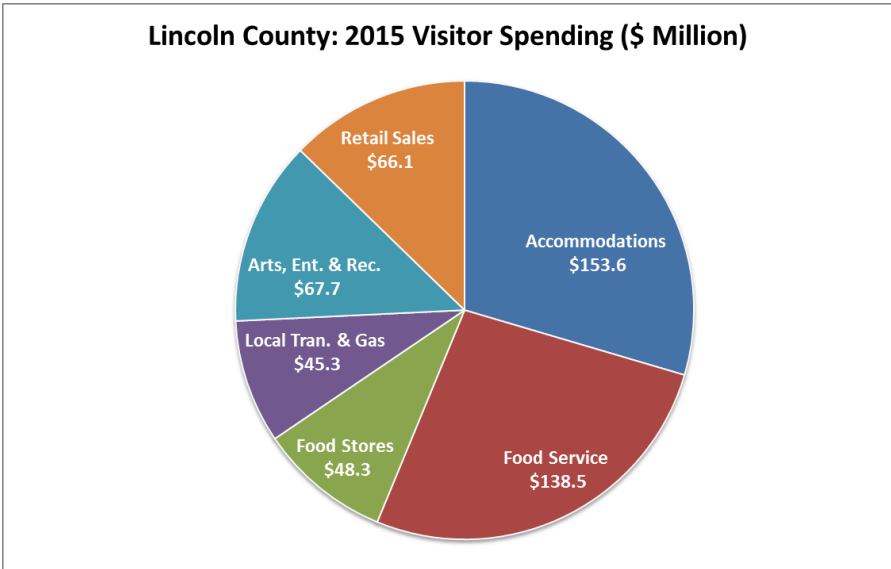
Exhibit 14: Lincoln County Visitor Spending By Category in Millions, 2009-2015

	2009	2010	2011	2012	2013	2014	2015
Accommodations	\$ 117.3	\$ 120.5	\$ 119.3	\$ 121.7	\$ 127.3	\$ 138.6	\$ 153.6
Food Service	\$ 104.8	\$ 105.1	\$ 102.3	\$ 105.9	\$ 116.3	\$ 129.0	\$ 138.5
Food Stores	\$ 39.4	\$ 38.2	\$ 39.0	\$ 40.4	\$ 43.0	\$ 46.1	\$ 48.3
Local Tran. & Gas	\$ 39.6	\$ 45.4	\$ 51.0	\$ 51.3	\$ 52.3	\$ 53.6	\$ 45.3
Arts, Ent. & Rec.	\$ 58.5	\$ 57.2	\$ 55.6	\$ 56.6	\$ 60.5	\$ 64.9	\$ 67.7
Retail Sales	\$ 56.9	\$ 56.8	\$ 55.8	\$ 56.7	\$ 60.3	\$ 64.0	\$ 66.1
Total	\$ 416.5	\$ 423.2	\$ 423.0	\$ 432.6	\$ 459.7	\$ 496.2	\$ 519.5

Source: Dean Runyan Associates "Oregon Travel Impacts" June 2016. Compiled by FCS Group

Exhibit 15 illustrates the distribution of tourism spending in Lincoln County in 2015 and underscores the economic benefits received by business types including restaurants, hotels, retail stores, arts and entertainment, food stores and auto service centers.

Exhibit 15. Lincoln County Visitor Spending By Category in Millions, 2015



Source: Dean Runyan Associates "Oregon Travel Impacts" June 2016.

Business Openings and Closures

Lincoln City has witnessed several business openings/expansions in the past four years. The business activity listed in Exhibit 16 reflects diverse industries ranging from food service establishments to construction contractors and health care establishments. Over the past four years, 14 businesses have opened, two have expanded, and two establishments closed.

Exhibit 16. Lincoln City Business Openings and Closures, August 2014 to June 2016

	Business Name	Date
Openings	Ocean Freeze	4/27/2016
	Autobahn	3/30/2016
	Subway	3/9/2016
	NW Septic Service	9/23/2015
	Oregon State Credit Union	9/9/2015
	Snap Fitness	8/30/2015
	Corner Café	8/22/2015
	Dutch Bros. Coffee	7/15/2015
	Red Hook Restaurant	2/25/2015
	Taft Athletic Club	1/7/2015
	Momiji Gourmet Japanese	10/8/2014
	Dress Barn	10/8/2014
	Goodwill Industries	10/1/2014
	Lincoln City Veterans Clinic	10/1/2014
	Samaritan Coastal Clinic	8/20/2014
	Closures	Beachtown Coffee
Beach Dog Café		4/29/2015

Source: Oregon Employment Department
 * Denotes that a firm is expanding
 Compiled by FCS Group.

MARKET OPPORTUNITIES

Since 2011, Lincoln City has approved nearly 20 commercial building permits for a mix of office, retail and lodging construction. This section summarizes local market opportunities for commercial retail, office, industrial and lodging development along with required land and sites to accommodate such uses.

Retail

The existing retail inventory in Lincoln City predominantly consists of retail outlets, shopping centers, boutique stores, auto-oriented strip centers and individual “build to suit” buildings. Current vacancy rates for retail space in Lincoln City are relatively low at an estimated five percent of available inventory.

An analysis of retail sales data to identify existing retail trade flows within the Lincoln City market area examines the consumer retail demand and existing estimated sales within a 15 and 30 minute drive time of Lincoln City (to/from city hall).

The retail trade flow analysis measures the difference between potential sales from resident demand within the footprint of the analysis area and the actual sales in the same area. An examination of the 30-minute trade area indicates that Lincoln City currently serves as a regional retail hub that attracts more than \$371 million in annual sales, including \$77 million in “net sales inflow” from outside the City that supports local stores.

The retail trade analysis summary in Exhibit 17 shows that Lincoln City has an overall net retail inflow in general retail sales and food and drink sales.

Exhibit 17. Lincoln City Retail Market Trade Area Profile 2016

	Trade Area (Drive Time)*	
	15 minutes	30 minutes
Population	10,668	16,994
Households	4,984	8,015
Aggregate Income	\$276,653,244	\$371,182,948
General Retail Demand and Sales (Supply) within Trade Area		
Demand	\$131,657,978	\$233,937,392
Supply	\$209,003,451	\$237,389,333
Retail Trade Outflow/(Inflow)	\$(77,345,473)	\$(3,451,941)
Food & Drink Demand and Sales (Supply) within Trade Area		
Demand	\$11,484,416	\$19,761,594
Supply	\$32,278,200	\$40,489,781
Retail Trade Outflow/(Inflow)	\$(20,793,784)	\$(20,728,187)

Source: * drive time from city hall; Dun & Bradstreet data compiled by ESRI and FCS Group.

Despite an overall net retail inflow into Lincoln City there is still a significant retail outflow for certain store groups that are under-represented in the city at this time. The detailed trade flow analysis of individual store groups provided in Appendix B, indicates that the following store groups have high levels of retail outflow, which means most local residents now travel outside the trade area to make purchases:

- Automotive sales and parts
- Home appliances and electronics
- General merchandise
- Building materials and garden supplies

If half of the current retail sales outflow in these categories can be captured by new commercial developments in Lincoln City, the retail development potential from intercepting trade outflow could range from 41,000 to 91,000 square feet of floor area. This would help support new general merchandise establishments, such as a Fred Meyer, and additional automotive sales and service establishments.

In addition to attracting new retail development to intercept retail sales outflow, future increases in spending from visitors and new residents would support additional commercial development. Over the next 20 years, an increase in trade activity in Lincoln City would likely result in increased sales per existing establishment as well as demand for new retail businesses.

While online retail purchases continue to increase, up nearly 15% from last year nationally according to *internetretailer.com*, these sales account for less than 2% of total retail demand in Lincoln City (based on data provided in Appendix B). Increasing online retail sales may lead to additional demand for sub-regional warehouse/distribution buildings and jobs in Lincoln City.

Lodging

As tourism increases, so too will demand for overnight accommodations. An analysis of the lodging market within Lincoln City indicates that the market is currently served by 25 “competitive” lodging establishments, including nine (9) full-service hotels and 16 limited-service facilities (Exhibit 18). In addition, an estimated 500 short-term rentals are marketed through various websites, such as Air B&B and VRBO. The number of homes and condos being utilized for shared arrangements, such as has increased significantly since 2010. We estimate that this short-term rental segment currently accounts for approximately 91,250 annual room nights of demand, which equates to nearly 20% of total annual room night demand in Lincoln City.

Exhibit 18. Lincoln City Accommodations

Lodging Type	Facilities	Rooms	Est. Avg. Annual Occupancy Rate	Annual Room-night demand
Hotels with Meeting Facilities	9	1,038	70%	265,209
Other Hotels/Motels/B&Bs	16	478	70%	122,129
Air B & B rooms	n/a	500	50%	91,250
Total	25	2,016		478,588

Source: Hotels.com (Appendix C) and Air B&B.com, survey by FCS Group.

Exhibit 19 shows the results of an evaluation of local lodging demand by market segment, including: tourists/visitors, groups (organized events, weddings, conventions) and business travelers. Each segment’s growth is based on the trends and forecasts that have been described in previous sections of this report.

Exhibit 19. Lodging Demand Segments

Demand Segment	Annual Growth Rate	Source
Visitors	3.90%	Dean Runyan Travel Impacts in Lincoln County: 2009-2015, real dollars
Groups (weddings, conventions)	1.10%	Oregon Office of Economic Analysis pop. projected for Oregon: 2015 to 2040
Business Travelers	0.70%	OED 2014-2024 Job Forecast for Northwest Oregon

The lodging demand analysis indicates that over the next 20 years there will be demand for approximately 1,600 new hotel/motel rooms in Lincoln City (**Exhibits 20.1-4**). If the existing lodging supply is not expanded to accommodate increases in demand, there will be market pressure to convert single family dwellings to short-term rentals. However, the potential supply of permitted short-term rental units would be subject to City policy regulations.

Exhibit 20.1: Estimated 2016 Room-Night Demand by Lodging Type

Lodging Type	Visitors	Groups	Business Travelers	Total
With Meeting Facilities	65%	20%	15%	100%
Without Meeting Facilities	90%	0%	10%	100%

Exhibit 20.2: Estimated 2016 Room-Night Demand by Lodging Type

Lodging Type	Visitors	Groups	Business Travelers	Total
With Meeting Facilities	172,386	53,042	39,781	265,209
Without Meeting Facilities	109,916	0	12,213	122,129
Total	282,302	53,042	51,994	387,338

Source: Hotels.com and Hotel Staff; compiled by FCS Group.

Exhibit 20.3 Projected 2035 Room-Night Demand by Lodging Type

Lodging Type	Visitors	Groups	Business Travelers	Total
With Meeting Facilities	370,521	66,015	45,737	482,273
Without Meeting Facilities	236,250	0	14,041	250,292
Total	606,771	66,015	59,778	732,564

Source: Hotels.com and Hotel Staff; compiled by FCS Group.

Exhibit 20.4: Projected 2035 Lodging Demand

Existing Lodging Rooms	Net New Room-Night Demand	Total Supportable Rooms*	Net New Supportable Rooms*	% Needing Meeting Facilities
1,516	345,226	3,153	1,637	66%

Source: * assumes 70% minimum required average annual occupancy; FCS GROUP.

Industrial and Office Potential

Office and industrial construction activity in Lincoln City has been limited in recent years. Office building vacancy rates appear to be in the 7-10 percent range, and there are few available small (less than two acre) “build to suit” commercial and industrial parcels for sale or lease.

Future office and light industrial job growth in Lincoln City will likely be attributed to expanding service businesses (health care and personal services), new home-based businesses and small artisan “maker” establishments.

Recommended Target Uses

Based on the previous analysis and findings, several “target business types” have been identified that are consistent with market trends and community development objectives. Target business opportunities are summarized in Exhibit 21 and include:

- **Health Care services:** hospital expansion and specialty treatment centers along with supporting medical office professions, in-home nursing care, etc.
- **Entrepreneurs and Professional Businesses:** home-based businesses and small office buildings that can accommodate growing small businesses, such as civil engineering, environmental consulting, legal and accounting professionals. A business accelerator program and high school and the Oregon Coast Community College training programs would help foster business growth and local job creation.
- **Artisan Makers and Sub-regional Warehouses:** businesses that require light industrial/flex buildings for expanding specialty manufacturing operations, such as glass making, cabinet making, food/beverage processing. Also warehouse/distribution businesses, such as a warehouse/retail showroom and a sub-regional distribution facility.
- **General Retail:** particular focus on general merchandise site(s) for establishments such as Fred Meyer and/or Dollar General. Since the city currently has a floor area “footprint” maximum that limits total floor area for a retail business to 60,000 square feet in the General Commercial zone, the ability to attract a Fred Meyer will likely be hampered unless local regulations are changed to allow larger footprints if special conditions are met, such as the ability to mitigate traffic impacts.
- **Food/Beverage Services:** food and beverage services and training programs already are key components of the Lincoln City economy. The City currently sponsors the Culinary Center within the city hall/library building and there are a variety of cuisines, breweries and distilleries along the North Coast. Expansion of the food/beverage cluster could be assisted by a designated food cart pod area and continued partnerships with Oregon Coast Community College and local high school training programs.
- **Continuing Care Facilities:** an established location for retirees with full-service health care provided by Samaritan North Lincoln City Hospital and other health service establishments, Lincoln City is well positioned to attract new facilities that offer a wide range of treatment or care. This could include new retirement communities, Alzheimer’s care facilities and assisted living facilities that provide services to occupants, such as:
 - Physical therapy
 - Personal concierge
 - Restaurant dining
 - Medication management
 - Transportation services
 - Nursing care
 - Cleaning services
 - Cultural, spiritual and educational events

- **Lodging:** new or expanded overnight accommodations will be needed to accommodate growth in visitation, group and business demand from overnight travelers. New facilities that accommodate events and trade association conventions could augment demand, particularly during off-peak shoulder months.
- **Arts/Entertainment/Recreation:** another way to enhance off-peak visitation is to provide locations and events related to arts, entertainment and recreation. A mix of indoor and outdoor facility options could include an indoor/outdoor market place, indoor recreation/events center, and outdoor locations for mountain biking, zip line tours and eco-tours on kayaks and stand up paddle boards.

Exhibit 21. Recommended Target Uses for Lincoln City

Target Use	Market Potential	Potential Revenue Generation for Lincoln City	Potential Job Creation	Avg. Salary	Pays Above County Avg.
Health Care Services	●	●	●	\$51,820	<input checked="" type="checkbox"/>
Entrepreneurs and Prof. Services	●	●	●	\$32,260	<input type="checkbox"/>
Contractors & Light Manufacturing (Flex Industrial)	●	●	●	\$48,765	<input checked="" type="checkbox"/>
Retail (General Merchandise Stores)	●	●	●	\$24,989	<input type="checkbox"/>
Food Services	●	●	●	\$18,796	<input type="checkbox"/>
Continuing Care Facilities	●	●	●	\$25,716	<input type="checkbox"/>
Lodging	●	●	●	\$20,696	<input type="checkbox"/>
Arts/Recreation/Entertainment	●	●	●	\$24,364	<input type="checkbox"/>

Legend: Good: ● Fair: ● Poor: ●

Source: FCS GROUP based on EOA findings and TAC input. Wages based on 2015 Lincoln County OED data.

Employment Land Needs

Each of the following three employment land needs scenarios takes into account Lincoln County and Northwest Oregon growth forecasts for population and jobs. This analysis also bases future land needs on expected levels of total employment, which includes both “covered” and “non-covered” workers based on the ratio of total jobs to covered jobs for each sector.³ Appendix D includes detailed job growth scenarios and assumptions.

³ This approach of adjusting covered jobs to total jobs has been endorsed by Business Oregon in various economic studies, including *The Economic Impact of Oregon’s Public Ports* (2014) by FCS GROUP and Northwest Economics.

- **Employment Growth Scenario A:** assumes the existing level of estimated employment in Lincoln City will grow at a 0.85% AGR, which is consistent with the population growth forecast for Lincoln City and Lincoln County described in the next section.
- **Employment Growth Scenario B:** assumes that the OED 10-year job growth forecast for each employment sector in the Northwest Oregon region is extrapolated to 20 years and Lincoln City is successful in intercepting half of current retail trade outflow.
- **Employment Growth Scenario C:** assumes that the upper-range of job growth is likely to accrue under the two aforementioned job growth scenarios.

As indicated in Exhibit 22, the total net new job growth for Lincoln City over the next 20 years is projected to range from 1,567 to 1,730 jobs depending on the scenario. The category with the greatest expected job growth is Services, followed by Retail and Home-based businesses.

Exhibit 22. Lincoln City 20-Year Net New Job Growth Forecast

Category	Scenario A ²	Scenario B ³	Scenario C ⁴
Industrial 1	78	67	78
Services	1,054	1,195	1,195
Accommodations	211	239	239
Food Services	247	280	280
Retail	309	332	332
Government	36	18	36
Work At Home	90	80	90
Total	1,567	1,692	1,730

¹ Includes natural resources, construction, manufacturing, wholesale trade, transportation, information, warehousing & utilities.

² Growth rates consistent with OEA pop forecast for Lincoln County.

³ Growth rates consistent with OED employment sector growth forecast: 2014-2024 for region consisting of Lincoln, Benton, Clatsop, Tillamook counties; plus 50% retail outflow capture.

⁴ Growth rates assume upper-end of Scenario A and B forecasts.

Source: derived from Appendix E. FCS GROUP.

Based on the job growth forecasts shown above, it is estimated that Lincoln City will require between 45 and 52 acres of net buildable vacant land to meet 20-year employment growth forecasts (Exhibit 23). This assumes that existing buildings and redevelopment areas could accommodate approximately 16 percent of the overall job growth through “refill” (jobs added in vacant or underutilized space) and “redevelopment” (jobs added through the reuse of existing buildings and redeveloped sites).

Services would primarily consist of lodging and restaurant demand plus office requirements for health care and professional services. It is anticipated that up to 1,600 new lodging rooms would be needed over time. It is likely that each hotel would require a site of two to five acres.

Retail uses would be accommodated primarily through one additional large format general merchandise store, such as Fred Meyer or Dollar General. As new population and housing is added, a small neighborhood center with anchor grocery store would be needed on a five-acre site. Other

miscellaneous retail uses could be accommodated through refill, infill (development on sites under one acre) and redevelopment

Artisan “maker” businesses could be accommodated through a mix of one to two-acre sites and in industrial flex buildings (e.g., 12,000 square foot single level tilt-up buildings).

In addition to home-based businesses, Lincoln City should plan for a few new one or two-level office buildings as part of a professional center, with proximity to the hospital. Business services, such as insurance, real estate, finance, accounting and consulting may also be accommodated as part of a new retail shopping center.

Government uses reflected in this analysis pertain primarily to health and safety occupations such as police and fire, which may require additional space needs over time. The need for other public or community facilities, such as schools and parks facilities are not included in this analysis.

Exhibit 23. Lincoln City 20-year Employment Vacant Land Needs (buildable acres)

Job/Use Type	Scenario A	Scenario B	Scenario C	Site Requirements
Private Employment				
Industrial	5.4	6.9	8.0	2 to 5 acre parcels; full infrastructure services
Services				
Accommodations	10.1	11.5	11.5	1 to 4 acre parcels, visibility
Food Services	7.0	7.9	7.9	1+/- acre parcels, visibility
Office/Other Services	10.5	11.9	11.9	1+/- acre parcels and home based
Retail	10.9	11.7	11.7	10+/- acre parcel, plus 3-ac. parcel
Private Subtotal	43.9	49.9	51.0	
Government	1.1	0.6	1.1	2-acre parcel, emergency access
Total	45	50	52	

Source: FCS GROUP, derived from Appendix F.

Special Siting Land Needs

It should be noted that these employment growth scenarios omit potential land needs attributed to special siting requirements for major facilities, such as schools, parks and recreational areas. It is possible that the TAC or City Council may identify certain desired uses that would enhance the land need requirements stated above.

RESIDENTIAL LAND NEEDS

This section presents the housing needs analysis for Lincoln City. The purpose of this analysis is to address the requirements for planning needed housing in urban areas for small cities (population less than 25,000) using the methodology described in Exhibit 2 on page 3.

Lincoln City Housing Needs

A City’s defined housing need must be based on the statewide land use Goal 10 mandate to plan for housing that meets the need of households at all income levels. This entails understanding resident

“permanent” population (owner and renter) housing demand as a primary focus of housing need and non-resident seasonal housing demand as a secondary market for housing. The issue of housing affordability and the need for workforce housing also is discussed in this section using U.S. Department of Housing and Urban Development guidelines.

Steps in the Housing Needs Analysis

The method used in this HNA is consistent with Goal 10 requirements for small cities and comports with most requirements used for larger cities as well. The key steps include:

- Step 1. Describe demographic characteristics of the population that relate to housing tenancy (owner and renter households).
- Step 2. Identify national, state and local demographic and economic trends and factors that may affect the demand for different housing types.
- Step 3. Forecast the amount of resident population and households expected over the next 20 years for Lincoln County and Lincoln City. This HNA includes two population growth scenarios.
- Step 4. Determine the types of housing that are considered to be “attainable” or affordable based on household income.
- Step 5. Estimate the number of additional housing units required for permanent households and seasonal residents by structure type.
- Step 6. Determine the “base scenario” buildable land needs for housing types and land use designation, based on ranges in net density by structure type.
- Step 7. Consider another scenario that takes into account local policies that support increased development of workforce housing and cap the amount of housing that is used as short-term rentals.

According to ORS 197.307, “needed housing” refers to housing types that meet the need for housing within an urban growth boundary (UGB) at particular price ranges and rent levels, and must include the following types:

- Attached and detached single family dwelling units and multiple family housing for owners and renters.
- Government assisted housing.
- Mobile home or manufactured homes (as part of dwelling parks).
- Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured housing parks.
- Housing for farmworkers. Farmworker housing is not considered applicable to this Lincoln City HNA as there are no current farms or farmworker housing units that exist within the city.

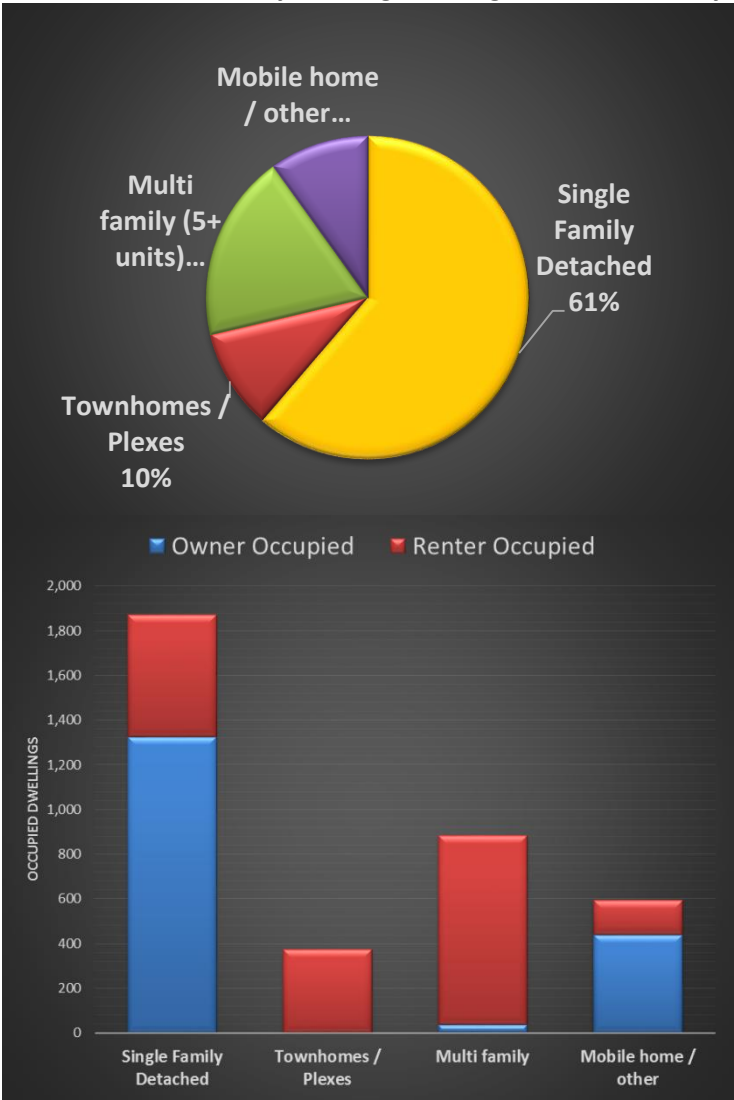
Existing Housing Inventory and Tenancy

The current housing mix in Lincoln City consists of primarily of single family detached homes, with 61% of the total housing stock. Multifamily housing accounts for 19% of the housing inventory. Townhomes/plexes⁴ and mobile homes each account for 10% of the housing inventory. Among

⁴ “Plexes” include duplex, tri-plex and quad-plex buildings.

permanent residents, owner-occupied housing is concentrated in the single family detached and mobile home categories (see Exhibit 24).

Exhibit 24. Lincoln City Existing Housing Mix and Tenancy



Source: U.S. Census, American Community Survey, 2014.

According to the American Community Survey (ACS), there were 5,734 housing units in Lincoln City in 2014 (most recent data available). As indicated below in Exhibit 25, the housing inventory is fairly evenly distributed among owner-occupied dwellings, renter-occupied dwellings and second homes/short-term rentals.

Exhibit 25. Lincoln City Existing Housing Characteristics

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	1,325	545	1,100	91	3,061
Townhomes / Plexes	0	374	183	18	576
Multi-family (5+ units)	36	846	550	43	1,475
Mobile home / other	440	153	-	29	622
Total Units	1,801	1,918	1,834	181	5,734
Distribution	31%	33%	32%	3%	100%

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Other Vacant Units	All Dwelling Units
Single Family Detached	74%	28%	60%	50%	53%
Townhomes / Plexes	0%	19%	10%	10%	10%
Multi-family (5+ units)	2%	44%	30%	24%	26%
Mobile home / other	24%	8%	0%	16%	11%
Total	100%	100%	100%	100%	100%

Source: American Community Survey, 2010-2014; compiled by FCS GROUP.

Population and Housing Forecast

As mentioned previously, Lincoln County and Lincoln City have both shown measurable increases in population and households over the past few decades. The share of Lincoln County population that resides within Lincoln City has increased from 16.7% in 2000 to 18.0% in 2015. Hence, over the past 15 years, approximately 38% of the net change in Lincoln County population occurred within Lincoln City.

As indicated in Exhibit 26, according to the long-term growth forecast provided by the Oregon Office of Economic Analysis, Lincoln County population is expected to increase by 4,147 permanent residents over the next 20 years.

Scenario A: Baseline Housing Forecast

The baseline housing forecast scenario takes into account trends in population and seasonal housing demand given recent housing capture rates for Lincoln City. Scenario A assumes that Lincoln City will continue to capture 38% of the County’s growth by adding 1,583 residents over the next 20 years, which equates to a 0.85% annual average growth rate for Lincoln City. The baseline scenario also assumes that average household size (people per household) will continue its downward trend from 2.21 people per household in 2016 (est.) to 2.10 in 2036 (forecast), as “baby boomers” (residents born between 1946 and 1964) become empty nesters, retirees move into the area, and “millennials” (residents born between 1981 and 1997) delay starting families.

The resulting baseline housing forecast for Lincoln City identifies the need for 948 net new dwellings for permanent residents over the next 20 years (Exhibit 26). If we assume the current level of seasonal housing (second homes and short-term rentals) and vacant inventory remain at current levels (36% of total inventory), there would be additional demand for approximately 536 housing units. The combination of housing for permanent residents and seasonal housing is expected to require 1,484 dwellings over the next 20 years (Exhibit 26).

Exhibit 26. Lincoln City Housing Needs Forecast, Baseline Scenario A

	Estimate 2015	Estimate 2016	Forecast 2036	Proj. Change 2016-36	Proj. AAGR
Lincoln County Population	47,225	47,423	51,571	4,147	0.42%
Lincoln City Population	8,485	8,601	10,183	1,583	0.85%
City/County Share	18.0%	18.1%	19.7%	38.2%	
Lincoln City Housing Needs					
Group Quarters Population	85	86	102		
Population in Households	8,400	8,515	10,082		
Avg. Household Size	2.22	2.21	2.10		
Resident Housing Units	3,784	3,853	4,801	948	1.11%
Total Housing Units	5,922	6,030	7,513	1,484	1.11%
Seasonal & Vacant Housing Units	2,138	2,177	2,713	536	1.11%
Percent of housing stock	36%	36%	36%	36%	
Second Homes		2,000	2,492	492	
Short Term Rentals		497	619	122	

Source: Estimates based on 2014 ACS data and current Lincoln City permitting activity. Forecasts consistent with OEA 2015-2049 population forecast for Lincoln County, and projected 2010 to 2015 Lincoln City capture rates by FCS GROUP.

Scenario B: Baseline + Workforce Housing Forecast

Scenario B is intended to address the current workforce housing imbalance along with the baseline demand forecast included with Scenario A. Through interviews, stakeholders identified the current lack of existing “affordable” workforce housing as an important issue that likely accounts for high levels of in-commuting by Lincoln City workers that travel long distances from their homes to their place of work. As indicated in the following map shown as Exhibit 27, the local “covered workforce” includes approximately 1,478 workers that live and work in Lincoln City; 1,937 workers that live in Lincoln City and commute outside the City to work and 2,896 workers that in-commute to jobs in Lincoln City.

Exhibit 27. Lincoln City Worker Commute Pattern, 2014



Source: U.S. Census, On-the-Map database; FCS GROUP.

As indicated in Exhibit 28, an estimated 2,921 people in-commute to Lincoln City daily from a distance of 25 miles or greater based on 2014 Census data. If adequate workforce housing is provided in Lincoln City for 25% of these workers (preliminary policy goal), it would require 330 workforce dwellings to offset the current housing imbalance.⁵ In Scenario B, the total housing need consists of the baseline demand (1,484 units) plus the added workforce housing demand (330 units), or 1,814 dwellings.

Exhibit 28. Lincoln City Housing Needs Forecast, Workforce Housing Scenario B

	Estimate 2015	Estimate 2016	Forecast 2036	Proj. Change 2016-36
Existing Workforce In-commuters	2,896	2,921		
Avg. Household Size	2.22	2.21		
Housing Unit Demand	1,305	1,322		
City Capture Rate Policy Goal*			25%	
Existing Pent Up Workforce Housing Demand		----->	330	330
Baseline Scenario: Resident Housing Units		3,853	4,801	948
Baseline Scenario: Seasonal & Short-term Units		2,177	2,713	536
Total Housing Units	5,922	6,030		1,814

* Represents city policy aimed at capturing share of workforce in-commuters that currently travel over 25 miles into Lincoln City.

Source: U.S. Census, On The Map, 2014. FCS GROUP.

⁵ Note, this level of workforce housing demand reflects a potential local (City) workforce housing policy aimed at generating affordable workforce housing for at least 25% of the existing workforce that now in-commutes from over 25 miles away. The ability to achieve this goal would be enhanced by a broader Lincoln County policy goal of accommodating a (higher) level of workforce housing as a share of net new jobs generated in the County. Communities throughout the U.S. have similar policies; such as Teton County, WY which has adopted a policy that requires 65% of the workforce to be accommodated in affordable workforce housing within cities and rural development centers. Developers of commercial developments that generate new employment must either: develop a calculated share of workforce housing on site; or pay housing mitigation fees.

Residential Land Needs Forecast

The next step in the housing needs analysis is to identify the required housing unit types and requisite land needs. This is accomplished by applying the expected distribution of housing characteristics (shown in Exhibit 25) to each growth forecast discussed above and applying an average development density level for each dwelling unit type based on permitting activity in the city over the past five years.

Scenario A: Baseline Housing Forecast

In baseline forecast Scenario A, Lincoln City should plan for 1,484 additional dwelling units over the next 20 years. Housing distribution would likely resemble current characteristics with the need for 459 owner-occupied dwellings, 489 renter-occupied dwellings and 536 short-term rental units (Exhibit 29). The expected housing mix under this scenario would consist of 798 single family detached homes, 160 townhomes/duplexes, 385 multifamily units and 141 manufactured housing units.

The amount of required land area required to accommodate this level of housing development is approximately 206 acres (Exhibit 29). Much of the new single family detached and manufactured housing demand would require vacant land. Townhomes and multifamily developments could be accommodated through a mix of infill, redevelopment and vacant sites.

Exhibit 29. Lincoln City Baseline Housing Forecast Scenario A

	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Net New Dwelling Units	Average Density (DU per Net Buildable Acre)	Potential Land Need (Net Buildable Acres)*
Housing Tenure Distribution:	459	489	536	1,484	7.2	206.3
	31%	33%	36%	100%		
Housing Unit/Type Distribution						
Single Family Detached	344	132	321	798	6.0	152.9
Townhomes / Plexes	14	93	54	160	13.7	13.5
Multi family (5+ units)	9	215	161	385	18.6	23.8
Mobile home / other	92	49	0	141	10.0	16.2
Total	459	489	536	1,484	7.2	206.3

* Assumes 15% of land area added for public roads and infrastructure.

Scenario B: Baseline + Workforce Housing Forecast

Under housing forecast Scenario B, Lincoln City should plan for 1,814 additional dwelling units over the next 20 years. In comparison with Scenario A, the future housing mix would be more oriented towards long-term rental housing and a bit less towards short-term rentals. Scenario B emphasizes multifamily, townhomes and manufactured housing units, which potentially provide a greater range of more affordable housing options than under Scenario A. The total housing need is expected to consist of 570 owner-occupied dwellings, 709 renter-occupied dwellings and 536 short-term rental units. The expected housing mix under this scenario would consist of 940 single family detached homes, 205 townhomes/duplexes, 484 multifamily units and 185 manufactured housing units. The

amount of required land area to accommodate this level of housing development is expected to be approximately 249 acres (Exhibit 30).

Exhibit 30. Lincoln City Housing Forecast Scenario B

	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Second Homes & Short Term Rentals	Net New Dwelling Units	Average Density (DU per Net Buildable Acre)	Potential Land Need (Net Buildable Acres)*
Housing Tenure Distribution:	570	709	536	1,814	7.3	248.6
	31%	39%	30%	100%		
Housing Unit/Type						
Single Family Detached	427	191	321	940	6.0	180.2
Townhomes / Plexes	17	135	54	205	13.7	17.2
Multi family (5+ units)	11	312	161	484	18.6	29.9
Mobile home / other	114	71	0	185	10.0	21.3
Total	570	709	536	1,814	7.3	248.6

* Assumes 15% of land area added for public roads and infrastructure.

Housing Attainability

Current housing prices in Lincoln City, as measured by home sales prices and rent levels, have been increasing in recent years as the vacant inventory tightens. Local home prices are being inflated to some extent by an influx of investment from “second home” buyers from outside the local market area.

An examination of current median family income (MFI) levels and U.S. Housing and Urban Development (HUD) guidelines help gauge housing attainability in Lincoln City. As indicated in Exhibit 31, the current (2014) MFI for Lincoln County was \$42,429. Using HUD guidelines for upper middle households earning 80% of the MFI, a four-person family would be able to afford monthly rents at \$849 or lower and homes priced at \$168,000 or less.

A survey of 22 apartment complexes in Lincoln City with 760 rental units indicates that the average apartment is now 35 years old, with monthly rents ranging from \$0.80 to \$1.10 per square foot of floor area for older units and \$1.20 to \$1.23 per square foot for the newer units (see Appendix G).

The ability to deliver an affordable two or three bedroom apartment unit at 80% of the MFI would mean that such a unit would be rented at \$850 or less, which is about 15-25% below current market prices for such a unit. A policy goal of providing 300 attainable apartments priced at 80% of the MFI would require total “incentives” of approximately \$17,000 to \$20,000 per dwelling unit.⁶

⁶ Estimate calculated by FCS GROUP.

Exhibit 31. Lincoln City and County Housing Attainability Guidelines

Lincoln County Median Family Income Level (2014)*	\$42,429	
Available Monthly Rent or Payment (@30% of income level)		
High (120% or more of MFI)	\$1,273	or more
Upper Middle (80% to 120% of MFI)	\$849	\$1,273
Lower Middle (50% to 80% of MFI)	\$530	\$849
Low (30% to 50%)	\$318	\$530
Very Low (less than 30% of MFI)	\$318	or less
Approximate Attainable Home Price**		
High (120% or more of MFI)	\$252,000	or more
Upper Middle (80% to 120% of MFI)	\$168,000	\$252,000
Lower Middle (50% to 80% of MFI)	\$105,000	\$168,000
Low (30% to 50%)	\$63,000	\$105,000
Very Low (less than 30% of MFI)	\$63,000	or less

* Based on Housing and Urban Development thresholds for Lincoln County in 2014.
 Note, this analysis is generally consistent with 4-person household size characteristics.
 ** Assumes 20% down payment on 30-year fixed mortgage at 6.0% interest.
 Source: analysis by FCS Group using Housing and Urban Development, and US Census data.

Recent home sales and asking prices of homes in Lincoln City shows indicate that over the past two years, there have been 172 sales per year (Exhibit 32). The standing inventory is now well below four months for units priced at 80% MFI or lower.

Exhibit 32. Lincoln City Housing Inventory, Absorption and Attainability

Asking Sales Price	Current Listings	Avg. Annual Sales	Standing Inventory (months)	Housing Attainability Group
\$63,000 to \$105,000	0	2	0	Low (30% to 50% of MFI)
\$105,001 to \$168,000	13	41	4	Lower Middle (50% to 80% of MFI)
\$169,000 to \$252,000	41	64	8	Upper Middle (80% to 120% of MFI)
\$252,001 to \$300,000	15	24	8	High (120% or more of MFI)
\$300,001 to \$400,000	45	25	22	High (120% or more of MFI)
\$400,001 and higher	61	17	44	High (120% or more of MFI)
Total	175	172		

Source: Redfin; compiled by FCS GROUP as of 9/15/16.

BUILDABLE LANDS INVENTORY

The previous sections forecast a 20-year land demand in Lincoln City ranging from 251.3 acres to 300.6 acres, including 45 to 52 acres for employment uses and 206.3 to 248.6 for residential uses. The Buildable Lands Inventory (BLI) evaluates the existing supply of buildable land within Lincoln City’s city limits and urban growth boundary in accordance with OAR 660-024 and OAR 660-038.

Methodology

Lincoln City's BLI is comprised of existing vacant and partially vacant (sub-dividable) tax lots as well as City-owned land that will be available for future development. All tax lots within the Lincoln City UGB are classified into the following categories:

- **Vacant** – tax lots that have an improvement value of less than \$10,000 are considered vacant
- **Partially Vacant** – Tax lots that contain enough land to be subdivided without need of rezoning. There are two sub categories:
 - **Partially Vacant Residential** – Residential tax lots that have at least one half acre of buildable land. One quarter acre was subtracted from the buildable land to account for the existing dwelling. An aerial photography scan deemed existing multi-family parcels to be not well suited for subdividing and therefore not designated as partially vacant.
 - **Partially Vacant Employment** – Parcels with commercial zoning that have at least two acres of buildable/unconstrained land. Aerial photography helped in determining the amount of buildable land.
- **Undevelopable** – Vacant land that is either constrained by more than 90%, is deemed unbuildable by existing use (right of way, common land for home owner association, etc.), or zoning disallows for future development (Parks, Open Space, Marine Water, Agricultural Conservation, Timber Conservation).
- **Public** – Lands in public or semi-public ownership. Public lands where identified by Lincoln County's property class and additional data provided by Lincoln City. There are two subcategories:
 - **Public** – Land in public or semi-public ownership that is considered unavailable for future development.
 - **Public available** – Land identified and owned by Lincoln City that is available for future development.
- **Developed** – Occupied tax lots in private ownership with an improvement value of \$10,000 or above that cannot be subdivided under current zoning or redeveloped.
- **Redevelopable** – Developed tax lots with an improvement value that is lower than the land value with at least 10,000 square feet of unconstrained land.

Following buildable land requirements, all significant environmental constraints are deducted from gross vacant land area to estimate buildable land area. These constraints include open water (such as Devil's Lake), wetlands, riparian buffers, floodways, slopes of more than 25 percent, and the 100-year floodplain. Because much of the city's current development lies within the floodplain and construction does happen within the floodplain, the analysis allows for only 50% development within the floodplains. All other constraints are applied with a 100% reduction. All GIS data was provided by the City. Buildable Lands Inventory maps are found in Appendix H.

Buildable Vacant Land Supply

The total buildable vacant land inventory (vacant and partially vacant land) for the Lincoln City UGB area is approximately 1,312 acres on 2,084 parcels after accounting for the variety of environmental constraints described above. This includes approximately vacant land, partially vacant land, and public land that the City has made available for development.

Employment and Mixed Use Lands

The buildable land inventory for employment uses in Lincoln City includes approximately 188.4 acres on 382 tax lots, as shown in Exhibit 33. The total acres of employment lands are well distributed among varying lot sizes. The inventory of commercial land includes 78.4 acres on 288 parcels. Of the 288 parcels, 274 are less than one acre. More than 18 acres of vacant land is on parcels of 1 to 5 acres and there is one parcel of greater than 10 acres. Likewise, 57 of the 62 vacant mixed use parcels are less than one acre, while accounting for only 30% of the 23.1 total vacant mixed use acres. The inventory of industrial land includes 87.0 acres on 32 parcels. More than half of the acreage is on three lots totaling 57.6 acres.

Exhibit 33. Buildable Employment and Mixed Use Land Inventory

	< 1 acre		1 to 5 acres		5 to 10 acres		> 10 acres		Total	
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres
Commercial	274	47.7	13	18.6	0	0.0	1	12.0	288	78.4
Mixed Use	57	6.9	4	5.7	2	12.2	0	0.0	62	23.1
Industrial	17	4.5	9	12.9	3	12.0	3	57.6	32	87.0
Total	348	59.1	26	37.2	5	24.2	4	69.6	382	188.4

Source: Fregonese Associates and Cogan Owens Greene, LLC.

Redevelopable/Refill Supply

The inventory of available employment and mixed use lands also includes an evaluation of the relative level of redevelopment potential for each developed tax lot in Lincoln City. While this is not a stated requirement within OAR 660, Division 9, it is considered an important factor in deciding which land use growth scenario to target. The analysis of redevelopment opportunities is based on the ratio of assessed improvement value to land value for each tax lot. The results provided in Exhibit 34 indicate that there is approximately 121.7 acres of redevelopable land on 162 tax lots. Approximately 54 acres is classified as having high redevelopment potential and 67.8 acres have moderate redevelopment potential. Most of the parcels available for redevelopment are designated for commercial or industrial use.

Exhibit 34. Redevelopable Employment and Mixed Use Land Inventory

	High (< 0.50)		Moderate (0.50 to 1.00)		Total	
	Lots	Acres	Lots	Acres	Lots	Acres
Employment	77	45.0	56	62.6	133	107.6
Mixed Use	16	8.9	13	5.2	29	14.1
Total	93	53.9	69	67.8	162	121.7

Residential Lands

The buildable land inventory for residential uses in Lincoln City includes approximately 1,124.5 acres on 1,702 tax lots, as shown in Exhibit 35. Nearly 93% of the residential land supply, or 1,041 acres, is dedicated to single family homes. The remaining 83.5 acres is designated for multi-family development. Buildable residential lands are well-distributed among various lot sizes.

Exhibit 35. Buildable Residential Land Inventory

	< 1 acre		1 to 5 acres		5 to 10 acres		> 10 acres		Total	
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres
Single Family	1,282	202.5	99	154.19	28	138.6	15	217.6	1,448	1,041.0
Multi-family	227	32.29	25	37.24	2	13.92	0	0.0	254	83.5
Total	1,509	234.8	124	191.4	30	152.5	15	217.6	1,702	1,124.5

Source: Fregonese Associates and Cogan Owens Greene, LLC.

Reconciliation of Land Demand and Supply

Employment Land Need and Parcel Requirements

As indicated in Exhibit 23, the estimated demand for employment lands in Lincoln City ranges from 45 to 52 acres, including 5 to 8 acres of industrial land and 38 to 43 acres of commercial land. With a vacant employment land supply of 188 acres, the City has a surplus of more than 136 acres of employment land and has sufficient land to meet both commercial and industrial needs. In addition, the City has approximately 122 acres of employment land available for redevelopment.

Residential Land Need and Parcel Requirements

As indicated in Exhibits 29 and 30, the estimated demand for residential lands in Lincoln City ranges from 206 to 249 acres. With a vacant residential land supply of 1,124 acres, the City has a surplus of approximately 876 acres of buildable residential lands.

SUGGESTED ECONOMIC DEVELOPMENT AND HOUSING POLICIES

The following suggested goals and implementation policies for economic development and housing were developed in coordination with the Technical Advisory Committee and consider the comments from Lincoln City community members found in Appendix G. The suggested policies will be considered and refined as part of the Lincoln City’s Comprehensive Plan update process.

Economic Development

- 1. Land Availability.** Plan for suitable commercial and industrial land on sites that offer choice in characteristics (e.g., size, locations, visibility) in an amount that can accommodate the business development the city desires in the next 20 years.
 - 1. On the Comprehensive Plan map, designate an adequate supply of land for commercial and industrial use in desired locations to accommodate the desired types and amount of economic development and growth.
 - 2. Monitor the supply of commercial and industrial lands, home occupations and businesses as part of mixed use within the city.
 - 3. Ensure an adequate supply of commercial and industrial land with suitable zoning and access to infrastructure to respond to economic development opportunities as they arise.
- 2. Planning.** Coordinate economic development efforts with local and regional partners.
 - 1. Create an economic development team with representatives from the City, economic development partners, and local businesses and residents to guide local economic development efforts.

2. Prepare a five-year economic development strategy and action plan that implements the community vision and goals using recommendations in the Economic Opportunity Analysis. In the action plan, assign responsibilities, timeframe and tools for the City and other partners to use and a method for evaluating progress.
 3. Coordinate economic development efforts with local and regional economic development agencies and organizations, including the Urban Renewal Agency, Lincoln City Chamber of Commerce, Economic Development Alliance of Lincoln County, Small Business Development Center, Oregon Cascades West Council of Governments, Bay Area Merchants Association, and others through representation at group meetings, periodic meetings with key individuals and review of new plans and publications.
 4. Encourage new commercial and industrial development and redevelopment outside of the tsunami inundation zone.
 5. Consider joining the Oregon Main Street Program.
- 3. New Businesses.** Encourage businesses that provide family-wage jobs⁷ to locate in Lincoln City.
1. Develop a plan to attract the types of businesses needed to achieve the community's vision and goals.
 2. Support efforts to create a quality of life (e.g., schools, health care, housing, transportation, attractive neighborhoods) that draw telecommuters and encourages residents to start and grow businesses.
 3. Facilitate the development of industrial lands for manufacturing and other export-oriented businesses that tend to provide higher-wage jobs.
 4. Work with the Chamber of Commerce and other partners to develop a marketing plan and materials that describe Lincoln City's advantages and amenities for businesses.
 5. Encourage property owners and their representatives to prepare sites for development and help owners to market them.
 6. Review the municipal code to identify opportunities to clarify, and where possible, simplify Lincoln City's zoning code and land use application processes.
 7. Consider incentives to lower development costs.
- 4. Local Businesses.** Support the success and growth of existing businesses and entrepreneurs.
1. Maintain open communications with local business owners and provide available staff support and share technical resources for economic development projects initiated by the business community and as needed, provide leadership to facilitate general improvement (e.g., design standards, parking issues, infrastructure improvements).
 2. Administer existing and explore new programs that support local businesses, such as Urban Renewal's Façade Improvement Loan Program, Local Program Support Grant, Energy Efficiency Loan Program and Business Expansion Loan Program.
 3. When possible, use local businesses to supply materials and supplies for City operations and functions.
- 5. Tourism Industry.** Foster Lincoln City's recreation and tourism based economy.
1. Participate in the development of tourism-related businesses to attract visitors.

⁷ Find definition of family-wage jobs for Lincoln County at Oregon Employment Department site: https://www.oregon.gov/PRISM/docs/family_and_living_wage_definitions.pdf

2. Coordinate with tourism-related businesses and destinations within and around Lincoln City to market Lincoln City to potential visitors.
3. Encourage indoor and outdoor events and activities that draw people to the city year round.
4. Consider developing a sports complex to attract regional sports tournaments.
5. Explore the development of additional attractions to the city.

6. Community Needs. Support businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.

1. Research opportunities to zone land for small-scale commercial development in or near areas where a substantial amount of residential development is planned.
2. Support development and redevelopment in commercial nodes to stimulate new or improved commercial services, especially businesses that serve the permanent population.
3. Encourage businesses that serve residents in locations that facilitate walkable neighborhoods.
4. Periodically, study how retirees spend their money and what support they desire or need

7. Workforce Development. Encourage development of a local workforce with the skills that Lincoln City businesses need.

1. Periodically administer a survey of local businesses and those considering locating in Lincoln City to identify workforce needs.
2. Work with the Small Business Development Center, the economic development team and other community partners to support workforce and entrepreneurial training opportunities to meet the needs of Lincoln City's businesses and attract new businesses the city desires.
3. Frequently assess the need for and encourage the development of housing attainable to Lincoln City's workforce.
4. Support elementary, middle school, high school and alternative high school programs that stimulate civic engagement, and a work ethic, job skills, and entrepreneurship that command higher wages. .

8. Infrastructure. Provide adequate infrastructure efficiently and fairly to support employment growth.

1. Coordinate capital improvement planning to ensure infrastructure availability on employment land and pursue funding for needed infrastructure to support economic development activities
2. Promote Improvements to the transportation system that support economic development. Explore the use of Devils Lake for transportation purposes.
3. Facilitate county-wide conversations with businesses and public and nonprofit partners to further develop a transit system for the local workforce and promote its use.
4. Facilitate the development of telecommunications and other infrastructure necessary to support home-based businesses and workers.
5. Seek opportunities to provide incubators for small and emerging businesses.
6. Make infrastructure or place making improvements in commercial districts, such as streetscape, sidewalk, storefront or façade, and wayfinding improvements.

Housing

1. Housing Supply and Variety. Provide a sufficient quantity and variety of housing to meet community needs.

1. Annex where feasible and zone an adequate supply of residential land outside the tsunami inundation zone to accommodate the city's housing needs.

2. Promote a variety of residential densities and housing types in all price ranges to meet a range of housing needs.
3. Revise plan designations, zoning districts and regulations as needed to implement the mix of housing indicated in the adopted Housing Needs Analysis.
4. Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, “plexes”, tiny houses, big houses, senior housing, manufactured homes, etc.
5. Consider incentives that encourage development outside the tsunami zone while ensuring sufficient revenue to serve new development (e.g., transfer of development/redevelopment rights).
6. Discourage development within all tsunami zones, using techniques such as zoning inundation areas for uses other than residential, adding criteria for approving conditional uses and variances to restrict residential density in hazard areas, and encouraging transfer of development/redevelopment rights.
7. Zone multifamily housing in areas close to shopping, employment, parks, services and public transportation, and outside of the tsunami inundation zone.
8. Control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the city’s residential neighborhoods.

2. Housing Affordability. Provide for a range of housing opportunities outside the tsunami inundation zones to address the needs of all economic segments of the community.

A. For properties outside the tsunami inundation zones, evaluate the following incentives and tools:

1. Explore innovative approaches to setting fees and system development charges (SDCs) on new construction of affordable housing to be as low as possible while ensuring necessary infrastructure to make neighborhoods cost-effective places to live and good investments for homeowners.
2. Explore offering expedited review and permitting for residential or mixed-use projects that meet certain criteria (e.g., receive local, state or federal affordable housing funding).
3. Consider offering property tax exemptions to low-income rental housing projects that meet certain criteria in accordance with state law (e.g., receive local, state or federal affordable housing funding.)
4. Consider applying system development charges (SDCs) on a square foot or fixture count basis, so smaller homes pay less and larger homes pay more.
5. Consider deferring SDCs and providing other incentives for Accessory Dwelling Units (ADUs).
6. Periodically review density bonuses for effectiveness as an incentive to providing affordable housing and adjust, as necessary.
7. Consider setting parking requirements to the minimum standards that will meet the community’s needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage walking, transit use and a compact development pattern.
8. Give priority to capital improvement projects that support development of affordable homes and neighborhoods.
9. Consider providing grant or loan programs provided by or through the city to reduce housing costs.
10. Facilitate development of vacant or under-developed land by bringing together property owners, developers, and financiers through a local accelerator program.
11. Give priority to capital improvement projects that support development of affordable homes and neighborhoods outside the tsunami inundation zone.

B. Partnerships

1. Involve major employers in efforts to develop and support housing attainable by their workforce.
2. Facilitate development of affordable housing on publicly-owned properties and preserve its attainability.
3. Explore public/private/nonprofit partnerships to preserve or develop additional housing for very low, low, and moderate income households.
4. Develop and nurture local and regional affiliations and alliances to provide affordable housing.
5. Explore local and regional funding options to support development of housing for low- and moderate-income households.
6. Work with local organizations, other jurisdictions and health and social service organizations to on a coordinated, regional approach to homelessness.
7. Coordinate with Tribal, County, State and housing developers to identify, obtain and leverage funding sources for the development of new housing for very low, low, and moderate-income residents, as determined by appropriate percentages of area median family Income in the Housing Needs Assessment.
8. Work with partners to provide workshops that:
 - a. Assist developers with the design and finance of affordable housing.
 - b. Educate first time homebuyers.
 - c. Pair property owners with developers.
9. Look into establishing a non-profit development corporation.

C. Affordable Housing Fund

1. Establish and oversee an affordable housing program that increases the supply of housing attainable to low to middle income individuals and families.
2. Utilize affordable housing resources (e.g., land, funds, staff support) to make dwelling units affordable to households with very low, low and medium incomes.
3. Consider ways to expand the affordable housing fund, such as a housing levy, construction excise tax, or dedicated percentage of building permit valuation for all building permits.
4. Utilize affordable housing funds only outside the tsunami inundation zone.

D. Regulations

1. Allow affordable housing throughout the city and especially in areas with good access to transit, employment, education and shopping.
2. Consider an inclusionary housing program that requires multifamily developments of 20 units or more to designate up to 20% of the units for rent or sale at no more than 80% MHI. OR Designate a certain percentage of new multifamily construction of at least 20 units as affordable to those making 80 percent of area median income or less in exchange for density bonuses or property tax exemptions.
3. Consider pre-approving ADU and other housing designs to lower housing costs for residents.
4. Periodically examine and revise the municipal code to reduce barriers to new affordable housing development
5. Utilize various mechanisms to ensure the continued affordability of housing that is the result of City initiatives.
6. Enforce regulations that ensure maximum safety for residents and residential property owners. Notify potential buyers and developers about risk of tsunami, flooding and other potential hazards.

7. Consider zoning property in the tsunami inundation zone for the lowest possible single-family density or low intensity non-residential uses.
8. Include in the municipal code zoning regulations that ensure multi-family buildings and special needs housing are attractive for the residents and for their neighborhoods.

3. Special Needs. Encourage housing options outside the tsunami zones for special needs populations, including independent living for seniors, assisted living, memory care, drug and alcohol rehab and mental health facilities.

1. Integrate housing for people with special needs into neighborhoods, avoiding concentrations.
2. Encourage the development of senior-friendly housing, particularly in areas within walking distance of services and amenities.
3. Promote the provision of support services, including transportation options, to allow seniors and those with special needs to remain in their own homes or non-institutional settings.
4. Support public and private housing and services for people who are homeless.
5. Review municipal code to ensure compliance with the Affirmatively Furthering Fair Housing rule.⁸
6. Educate the public regarding zoning and fair housing laws.

4. Vacation Rentals. Control the number and location of vacation rentals to preserve adequate housing for residents and protect their quality of life.

1. Maintain an appropriate balance in residential zones between housing for residents and short-term vacation rental properties for visitors.
2. Fine tune vacation rental policies as needed to protect residential neighborhoods.

⁸ See https://www.huduser.gov/portal/affht_pt.html.

LINCOLN CITY ECONOMIC OPPORTUNITIES ANALYSIS AND HOUSING NEEDS ANALYSIS APPENDIX

April 2017

Appendix A. Covered Employment Trends

Lincoln County Employment Trends by Sector, 2005-2015 (covered workers)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2005-2015		
												Annual Growth Rate		
												Jobs	%	
Total nonfarm employment	18,120	18,410	18,780	18,630	17,720	17,470	17,280	17,310	17,500	17,590	17,780	13,800	(340)	-0.19%
Total private	14,100	14,380	14,660	14,450	13,580	13,360	13,350	13,360	13,540	13,650	13,800	(300)	-0.21%	
Mining and logging	160	160	150	160	130	130	140	140	150	160	160	-	0.00%	
Construction	830	900	960	980	830	740	670	660	660	670	720	(110)	-1.41%	
Manufacturing	1,120	1,110	1,060	1,110	1,050	1,030	1,030	1,060	1,080	1,130	1,100	(20)	-0.18%	
Durable goods	290	280	250	250	210	190	170	170	160	170	170	(120)	-5.20%	
Nondurable goods	830	830	810	850	840	840	860	890	930	960	920	90	1.03%	
Food manufacturing	220	240	260	280	280	290	320	330	370	390	360	140	5.05%	
Trade, transportation, and utilities	3,330	3,410	3,520	3,450	3,200	3,160	3,150	3,270	3,350	3,290	3,310	(20)	-0.06%	
Retail trade	2,830	2,920	3,000	2,970	2,730	2,680	2,690	2,760	2,830	2,800	2,840	10	0.04%	
Food and beverage stores	710	720	720	710	690	660	660	670	650	660	710	-	0.00%	
Transportation, warehousing, and utilities	340	330	340	330	300	310	320	320	340	350	340	-	0.00%	
Information	220	210	210	210	180	180	180	170	170	190	180	(40)	-1.99%	
Financial activities	780	810	880	860	810	790	780	740	750	750	730	(50)	-0.66%	
Professional and business services	1,080	1,170	1,090	980	880	870	940	1,000	1,000	960	1,000	(80)	-0.77%	
Education and health services	1,620	1,660	1,740	1,790	1,850	1,850	1,830	1,730	1,700	1,710	1,810	190	1.12%	
Leisure and hospitality	4,330	4,280	4,420	4,320	4,060	4,020	4,020	4,030	4,110	4,240	4,250	(80)	-0.19%	
Accommodation and food services	4,130	4,070	4,220	4,130	3,840	3,790	3,820	3,810	3,890	4,000	4,040	(90)	-0.22%	
Accommodation	1,950	1,920	1,950	1,880	1,730	1,710	1,730	1,710	1,720	1,760	1,810	(140)	-0.74%	
Food services and drinking places	2,170	2,150	2,270	2,250	2,120	2,080	2,090	2,100	2,170	2,230	2,240	70	0.32%	
Other services	630	660	630	590	590	590	610	570	580	550	540	(90)	-1.53%	
Government	4,020	4,040	4,120	4,180	4,140	4,110	3,930	3,940	3,950	3,940	3,980	(40)	-0.10%	
Federal government	250	240	260	270	280	300	320	370	350	330	320	70	2.50%	
State government	830	820	800	770	790	820	770	750	740	760	830	-	0.00%	
Local government	2,940	2,980	3,070	3,140	3,070	2,990	2,840	2,830	2,870	2,850	2,830	(110)	-0.38%	
Indian tribal	1,090	1,090	1,100	1,100	1,050	1,050	1,040	1,040	1,040	1,030	1,020	(70)	-0.66%	
Local education	730	730	750	780	790	750	660	630	660	670	670	(60)	-0.85%	

Source: OED; compiled by FCS GROUP. Employment includes workers "covered" by unemployment insurance.

Appendix B-1. Retail Inflow/Outflow Analysis, 15 Minute Trade Area

Retail Marketplace Profile for Lincoln City 15-minute drive time from Lincoln City

Demographics within a 15 Minute Drive Time	
2016 Population	10,668
2016 Households	4,984
2016 Median Disposable Income	\$ 30,299
2016 Per Capita Income	\$ 25,933

Lincoln City Retail Marketplace Profile within a 15 Minute Drive Time

Industry Group	NAICS	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Supportable Net New SF with 50% Outflow Capture*
Motor Vehicle & Parts Dealers	441	26,640,408	3,533,410	23,106,998	27,000
Furniture & Home Furnishings Stores	442	3,256,245	5,183,217	(1,926,972)	0
Electronics & Appliances Stores	443	7,416,552	6,854,185	562,367	1,000
Bdlg. Materials, Garden Eqpt. & Supply Stores	444	6,107,209	7,178,595	(1,071,386)	0
Food & Beverage Stores	445	23,666,104	36,765,605	(13,099,501)	0
Health & Personal Care Stores	446 & 4461	6,847,675	14,887,419	(8,039,744)	0
Gasoline Stations	447 & 4471	7,426,707	22,503,976	(15,077,269)	0
Clothing & Clothing Accessories Stores	448	5,918,366	23,989,687	(18,071,321)	0
Sporting Goods, Hobby, Book & Music Stores	451	3,611,587	8,403,381	(4,791,794)	0
General Merchandise Stores	452	19,789,319	8,457,344	11,331,975	13,000
Miscellaneous Store Retailers	453	7,304,778	38,164,128	(30,859,350)	0
Nonstore Retailers	454	2,188,612	804,304	1,384,308	n/a
Food Services & Drinking Places	722	11,484,416	32,278,200	(20,793,784)	0
Total		131,657,978	209,003,451	(77,345,473)	41,000

* assumes 5% vacancy rate and \$400 in annual sales per net square foot of floor area.

NAICS = North American Industrial Classification System.

Source: ESRI, Marketplace Profile; Urban Land Institute, Dollars and Cents of Shopping Centers; FCS GROUP.

Appendix B-2. Retail Inflow/Outflow Analysis, 30 Minute Trade Area

Retail Marketplace Profile for Lincoln City 30-minute drive time from Lincoln City

Demographics within a 30 Minute Drive Time	
2016 Population	16,994
2016 Households	8,015
2016 Median Disposable Income	26,581
2016 Per Capita Income	21,842

Lincoln City Retail Marketplace Profile within a 30 Minute Drive Time

Industry Group	NAICS	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Supportable Net New SF with 50% Outflow Capture
Motor Vehicle & Parts Dealers	441	48,200,215	4,254,611	43,945,604	52,000
Furniture & Home Furnishings Stores	442	5,679,664	5,641,918	37,746	0
Electronics & Appliances Stores	443	12,926,031	7,111,670	5,814,361	7,000
Bdlg. Materials, Garden Eqpt. & Supply Stores	444	11,220,313	7,982,513	3,237,800	4,000
Food & Beverage Stores	445	41,874,793	45,377,168	(3,502,375)	0
Health & Personal Care Stores	446 & 4461	12,308,754	15,258,432	(2,949,678)	0
Gasoline Stations	447 & 4471	13,309,167	24,438,693	(11,129,526)	0
Clothing & Clothing Accessories Stores	448	10,168,245	25,582,074	(15,413,829)	0
Sporting Goods, Hobby, Book & Music Stores	451	6,482,359	8,861,966	(2,379,607)	0
General Merchandise Stores	452	34,745,215	8,918,253	25,826,962	31,000
Miscellaneous Store Retailers	453	13,268,092	42,522,279	(29,254,187)	0
Nonstore Retailers	454	3,992,950	949,975	3,042,975	n/a
Food Services & Drinking Places	722	19,761,594	40,489,781	(20,728,187)	0
Total		233,937,392	237,389,333	(3,451,941)	94,000

* assumes 5% vacancy rate and \$400 in annual sales per net square foot of floor area.

NAICS = North American Industrial Classification System.

Source: ESRI, Marketplace Profile; Urban Land Institute, Dollars and Cents of Shopping Centers; FCS GROUP.

Appendix C. Summary of Competitive Lodging Facilities

Facility	Rooms	Meeting Facilities	Avg. Daily Room Rates	Year Built	Amenities
Chinook Winds Casino Resort	227	10-200 people	\$74-225	1995	Golf resort, fitness center, play palace, arcade, free concerts, casino
Salishan Spa and Golf Resort	205	10-350 people	\$251-332	N/A	Spa, golf resort, pool & fitness center, dining
Surftides Lincoln City	154	3 rooms	\$130-245	2001	Restaurant, free internet, indoor heated pool
Inn At Spanish Head	120	10-150 people	\$225-349	1969	Outdoor ocean view heated pool, fitness room, elevator to beach, oceanfront penthouse restaurant and bar
Liberty Inn	77	80 people	\$102-231	1998	Complimentary full breakfast buffet, indoor heated pool, pet friendly, exercise facility
Ashley Inn & Suites	75	1 room	\$112-209	1995	Salt water pool, complimentary full breakfast, exercise room, washing machines and dryers
Motel 6 Lincoln City	72	No	\$77-99	N/A	Free morning coffee, free expanded cable, pets allowed, kids stay free
The Coho Oceanfront Lounge	65	30 people	\$151-212	1969 (2004)	Indoor heated swimming pool, fitness room, wireless internet access
Comfort Inn and Suites	62	No	\$129-189	1977	Free breakfast, exercise room, free newspaper, indoor whirlpool/hot tub
Best Western Plus Landmark Inn	62	10-75 people	\$117-162	N/A	Exercise facilities, wireless internet connection, complimentary breakfast, indoor pool
Quality Inn	57	No	\$89-114	1996	Free full breakfast, spa, exercise room, business center
Ester Lee Motel	53	No	\$72-129	1941	Fabulous views of the ocean and surf, free Wi-Fi, most with full kitchens, paved access down to beach
Nordic Oceanfront Inn	53	36 people	\$69-179	1978	Free continental breakfast, free Wi-Fi, fireplace suites available, jacuzzi suites available
Sandcastle Beachfront Motel	39	No	\$70-155	1940	Quite and secluded, restaurants and shopping close by, kitchen units, newly upgraded cable
Sea Gypsy (Condos)	36	No	\$79-250	1971	Right on the beach, kitchens, indoor pool and dry sauna
Pelican Shores Inn	35	No	\$153-221	1965	Private beach access, complimentary continental breakfast, gas fireplaces, some oceanfront patios
Best Western Plus Lincoln Sand Suites	33	No	\$189-234	N/A	Property on beach, heated outdoor pool, patio area with gas barbecues, balcony available, ground floor has patios
Shearwater Inn	30	No	\$141-209	1998	Panoramic ocean views, gas fireplaces, suites with full kitchens, free wireless internet
WestShore Ocean Front Suites	20	No	\$149-169	1965	Private beach access, full kitchens, select rooms have semi-private decks and fireplaces, complimentary Wi-Fi
Starfish Manor Oceanfront Hotel	17	No	\$145-400	2005	Large ocean view whirlpool tubs, oceanfront decks, kitchenettes, free high-speed wireless internet
Overlook Motel (Apartments)	8	No	\$91-190	1920	Panoramic views of the ocean, full kitchens, pets welcome, most units have decks or patios
Hideaway Motel	6	No	\$95-150	1944	Beach access, ocean view, fully equipped kitchen, quiet and secluded
Bed & Breakfasts					
Brey House	5	No	\$114-\$164	1941	Ocean view, fireplaces, kitchens, continental breakfast, private bath, free wireless internet access
Salmonberry Inn & Beach House	3	No	\$185	1970	Spa/hot tub, fireplaces, continental breakfast, internet available
Baywood Shores B & B	2	No	\$179 or \$199	2004	Kingsize bed, twoperson jacuzzi, private deck, ocean view, continental breakfast

Source: Hotels.com and TripAdvisor.com, survey by FCS Group.

Appendix D. Lincoln City Job Growth Forecasts

Lincoln City 20-Year Employment Forecasts				Scenario A ²		Scenario B ³		Scenario C ⁴		Net New Job Growth		
Category	Actual 2014	Est. 2016	Est. 2016 Total Jobs	Proj. 20-yr jobs based on Pop. Growth Forecast	AGR based on proj. City pop growth forecast	Proj. 20-yr jobs based on OED Growth Forecast	AGR based on OED Regional Forecast w/ 50% retail outflow capture	Proj. 2036 jobs	AGR	Scenario A	Scenario B	Scenario C
	Covered Jobs	Covered Jobs										
Industrial ¹	346	351	421	499	0.85%	488	0.74%	499	0.85%	78	67	78
Services	3,512	3,579	5,727	6,781	0.85%	6,921	0.95%	6,921	0.95%	1,054	1,195	1,195
Accommodations	702	715	1,145	1,355	0.85%	1,383	0.95%	1,383	0.95%	211	239	239
Food Services	823	839	1,342	1,589	0.85%	1,622	0.95%	1,622	0.95%	247	280	280
Retail	1,191	1,201	1,681	1,991	0.85%	2,013	0.90%	2,013	0.90%	309	332	332
Government	192	194	194	229	0.85%	212	0.45%	229	0.85%	36	18	36
Work At Home	87	88	490	580	0.85%	570	0.76%	580	0.85%	90	80	90
Total	5,328	5,413	8,513	10,080	0.85%	10,205	0.91%	10,243	0.93%	1,567	1,692	1,730

¹ includes natural resources, construction, manufacturing, wholesale trade, transportation, information, warehousing & utilities.

² growth rates consistent with OEA pop forecast for Lincoln County.

³ growth rates consistent with OED employment sector growth forecast: 2014-2024 for region consisting of Lincoln, Benton, Clatsop, Tillamook counties; plus 50% retail outflow capture.

⁴ growth rates assume upperend of Scenario A and B forecasts, with exception of government sector which assumes low-end forecast.

FCS GROUP.

Appendix E. Lincoln City Employment Land Needs Forecast

Projected Employment & Land Need, Lincoln City, 20-Year Forecast							
Scenario A: 20-year Employment Land Need, Lincoln City							
Job/Use Type	20-Year Job Growth Forecast ¹	Avg. FAR	Building Floor Area Per Job ²	20-Year Building Need (floor area SF)	Refill/ Redevelopment Share Capture	Refill/ Redevelopment Floor Area	20-Year Land Need (buildable acres) ³
Private Employment							
Industrial	78	0.2	1,000	78,000	10%	7,800	5.4
Services	1,054						
Accommodations	211	0.35	750	158,000	15%	23,700	10.1
Food Services	247	0.30	400	99,000	20%	19,800	7.0
Office/Other Services	596	0.30	250	149,000	20%	29,800	10.5
Retail (baseline growth)	309	0.30	500	155,000	20%	31,000	10.9
Private Subtotal	1,441			639,000		112,100	43.9
Government⁴	36	0.30	500	18,000	30%	5,400	1.1
Total	1,477			657,000	18%	117,500	45.0

Scenario B: 20-year Employment Land Need, Lincoln City							
Job/Use Type	20-Year Job Growth Forecast ¹	Avg. FAR	Building Floor Area Per Job ²	20-Year Building Need (floor area SF)	Refill/ Redevelopment Share Capture	Refill/ Redevelopment Floor Area	20-Year Land Need (buildable acres) ³
Private Employment							
Industrial	67	0.2	1,000	67,000	10%	6,700	6.9
Services	1,195						
Accommodations	239	0.35	750	179,000	15%	26,850	11.5
Food Services	280	0.30	400	112,000	20%	22,400	7.9
Office/Other Services	676	0.30	250	169,000	20%	33,800	11.9
Retail (from growth + 50% outflow capture)	332	0.30	500	166,000	20%	33,200	11.7
Private Subtotal	1,593			693,000		122,950	49.9
Government⁴	18	0.30	500	9,000	30%	2,700	0.6
Total	1,611			702,000	18%	125,650	50.4

Scenario C: 20-year Employment Land Need, Lincoln City							
Job/Use Type	20-Year Job Growth Forecast ¹	Avg. FAR	Building Floor Area Per Job ²	20-Year Building Need (floor area SF)	Refill/ Redevelopment Share Capture	Refill/ Redevelopment Floor Area	20-Year Land Need (buildable acres) ³
Private Employment							
Industrial	78	0.2	1,000	78,000	10%	7,800	8.0
Services	1,195						
Accommodations	239	0.35	750	179,000	15%	26,850	11.5
Food Services	280	0.30	400	112,000	20%	22,400	7.9
Office/Other Services	676	0.30	250	169,000	20%	33,800	11.9
Retail (from growth + 50% outflow capture)	332	0.30	500	166,000	20%	33,200	11.7
Private Subtotal	1,604			704,000		124,050	51.0
Government⁴	36	0.30	500	18,000	30%	5,400	1.1
Total	1,640			722,000	18%	129,450	52.1

Notes:

¹ Derived from Appendix D. Excludes home-based workers.

² Assumptions for job densities reflect "covered jobs" and are generally consistent with Oregon DLCD, Industrial and Other Employment Land Analysis Handbook, 2001.

³ Assumes net land area is adjusted upwards by 15% for public road circulation, easements and utilities.

⁴ Excludes special site requirements for city, school district, county, state and federal governments.

Source: FCS GROUP based on assumptions stated above.

Appendix F. Lincoln City Apartment Inventory

Apartment Complex	Bedrooms	Bathrooms	# of Units	Total # of Units	Rental Rate (per month)	Square Feet	Year Built	Amenities
Oceanlake Estates Apartments	1	1	18	48	\$825	780	1972	Patio or balcony, washer and dryer, 4X4 ft. storage room
	2	2	25		\$950	980		
	3	2	5		\$1,200	1,250		
The Ridge Apartments	2 (Flat)	1	24	80	\$668.50	811	1984	Ample parking, kid's club, pet friendly recreation area
	2 (Townhouse)	1.5	16		1,010			
	3 (Flat)	1	24		\$792.50	1,001		
	3 (Townhouse)	1.5	16		1,178			
Hilltop Apartments	1	1	12	56	\$750	618	1997	Large walk-in closets, landlord pays water/sewer/garbage, free covered parking
	1	1	1		\$800	627		
	2	1	38		\$900	857		
	3	2	6		\$1,100	1,052		
Lakepointe Apartments	2	1	96	96	\$817.50	850	1994	Private balconies/porches, ocean and lake views, bonus storage space
Surfwood Manor Apartments	1	1	48	48	\$745	529	1978	Secured entrance, abundant natural light, open floor plan
	2	1	1		\$874	794		
Real Estate 100 Lincoln City: 537 SW 32nd St	1	1	3	3	\$795	966	1931	Ocean view, landlord pays water, sewer, garbage, electric, and gas
Pinehurst Apartments	1	1	8	44	\$750	700	1998	Pet play area, property manager on site, air conditioning
	2	1	36		\$875	850		
Total Property Management: 1540 NW 39th St	1	1	3	3	\$850	500	1946	All utilities included, gas fireplace, available month to month, close to ocean and casino
Total Property Management: 1815 NW Harbor Ave (Sandpiper Condos)	1	1	50	50	\$1,100	573	1981	Ocean views, most utilities paid for, granite counter tops, electric fireplace
Norris & Stevens Investment Real Estate Services (Sandpiper Condos)	2	1	1	1	\$875	945	1981	Private decks, storage available, recreation room, carports available
Lincoln Woods Apartments	1	1	19	107	\$625	592	1980	Swimming pool, walking distance to the beach, garage parking available
	2	1	41		\$725	776		
	3	1	47		\$825	943		
Sea Haven Apartments	1	1	40	40	\$500	550	1987	Balcony, property manager on site, heating, high speed internet access
Cedar Crest Townhomes	1	1	49	108	N/A	552	1985	Private patio, abundant natural light, open floor plan, scenic view
	2	1.5	49		\$850	884		
	3	1.5	10		\$1,000	1,023		
Lincoln Village	1	1	10	26	\$594	528	1973	Fully equipped kitchen, patio/deck/balcony, storage space, water, sewer, and garbage included
	2	1	10		\$704	756		
	3	1.5	6		\$784	1,120		
208 SW Keel Ave	2	1.5	20	20	N/A	900	1972	Barbecue area, property manager on site, 1 surface lot assigned parking space
Terrace Gardens	1	1	4	20	N/A	500	1964	Dogs allowed, 1 covered parking space, outdoor courtyard, carpet living space
	2	1	12		\$763	700		
	3	1.5	4		\$1,100	900		
West Devils Lake Apartments	1	1	4	50	\$603	700	1982	Balcony, storage units, on-site laundry, playground
	2	1	42		\$754	900		
	3	1	4		\$1,111	1,100		

Lincoln City Apartment Inventory Continued

Apartment Complex	Bedrooms	Bathrooms	# of Units	Total # of Units	Rental Rate (per month)	Square Feet	Year Built	Amenities
Windward Place (Under Construction)	2	1	9	30	\$895	700	Currently under construction	Dogs allowed, balcony/deck, granite countertops, hardwood floors
	2	2	12		\$995	900		
	3	2	9		\$1,095	900		
Beacon Crest Apartments	1	1	13	41	\$537	713	2008	Close to outdoor attractions and shopping, kids park, additional storage, free internet, off street parking
	2	1.5	10		\$643	928		
	2	2			917			
	3	1.5	16		\$736	1,252		
	3	1.5			1,150			
	4	2	2	\$814	1,626			
Oregon Coast Property Management: 1941 NE 7th (Townhome)	2	1.5	1	1	\$1,200	N/A	1997	Dishwasher, disposal, microwave, refrigerator, stove, views
Oregon Coast Property Management: 3532 NE Quay	1	1	1	1	\$800	N/A	N/A	Fireplace, refrigerator, stove
Cascade View Commons Apartments	2	2	N/A	N/A	\$995	900	2014	Built in 2015, granite countertops, large covered decks, backs up to open space

Source: Apartments.com, and telephone survey by FCS GROUP.

Summary of Apartment Survey Data

Bedrooms Per Unit	Average Rental Rate (per month)	Average Square Feet	Total # of Units in Survey	Rent per SF
1	\$734	629	184	\$1.168
2	\$852	861	429	\$0.990
3	\$961	1,068	147	\$0.900

Source: survey by FCS GROUP.

Appendix G. Lincoln City Outreach Summary

The City of Lincoln City is conducting a study of housing needs and economic opportunities. The Lincoln City Economic Opportunities Analysis (EOA) and Housing Needs Analysis (HNA) will help the City ensure there is sufficient land to accommodate population and employment growth over the next 20 years. The EOA and HNA also establish policies and objectives to guide planning efforts that seek to make Lincoln City a more economically viable community and provide housing options that meet the needs of its residents.

To engage community members in the process, the City conducted several interviews and an online questionnaire to help assess current and future economic development and housing needs and issues. Seventy one respondents answered questions about their ideas and priorities related to economic development and housing. The following is a summary of interview and questionnaire results.

Interviews

1. What are the top 3 issues that are constricting Lincoln City's ability to add housing for its workers?

- Negative effects of housing bubble and Lincoln City is always late to the party. No new construction since 2008 besides new apartments by Bi-Mart. Rents have been low so no incentive to build and also lack of land to build.
- Prices of land, system development fees and taxation. Also the cost of building and property taxation.
- Seems to be an adequate supply of units for very low income and very high income, but not a lot in between.
- Community is perplexed about how to get moderately-priced housing here when market isn't self-correcting. There is plenty of demand, but now supply. A small number of units have been and are being built in that range, but it's not enough to meet the demand.
- The issue is seasonal. No one wants to rent during the summer and therefore do not give long-term leases. Many leases are nine months or month-to-month because there is a lot of money to be made from short-term summer rentals.
- Developers have said that city and county rules don't make it easy or attractive to do build moderately-priced housing.
- Geography is another barrier. Limited land supply due to ocean and coastal range drives up demand resulting in higher land costs. One factor that can make it not affordable for developers to build needed housing types.

2. What types of public policies or incentives should be considered by the City to foster development of work force housing in Lincoln City?

- Encourage accessory dwelling units.
- Look into abatement on reimbursement for costs and fees. An 11-acre development was proposed and approved and recommended by the planning department, but denied by city council. Maybe because of the abundance of bare land on the market.

3. What is limiting Lincoln City’s ability to attract private business investment (ex., limited sites, proper zoning, high speed internet, etc.)?

- Stagnation. Not highly suited to industry. Suited for arts and internet based businesses from home. The city doesn’t necessarily discourage business. Highly suited for work from home business. Admit that 40% is tourism, 40% is supporting retirees, and other 20% is basic support.
- Complicated vacation rental industry. Not allowing people to have more than one. Time constraints of vacation rentals: six week process, long unknowns. Not giving a full range of usage. Should let market decide.
- For retail: constraints of parking, clear vision rule: limit what you can build, force property close to the highway. City creates unbuildable locations through regulation. Too many rules and regulations.
- System development fees too high and upfront. No consideration for help with offsite (sidewalks).

4. What types of public policies or incentives should be considered by the City to foster private business investment in Lincoln City?

- Universal high speed internet.
- Address transportation issues. How do people get from Portland or Salem to Lincoln City with public transport?
- Make things real simple. Don’t make them more complicated. Not a live person answering the phone at the city.
- Look at deferments for system development fees

5. Are there places the City should rezone or annex to expand residential and employment development opportunities in the future?

- Recently annexed Road’s End, 600 houses. Maybe Neotsu.
- Possibly the east side. Commercial area is so narrow, push commercial zone east and west. Can’t stay more than 30 days at anything that’s a condo because they didn’t meet the parking standard. Let people stay as long as they want. More second homes equal more money for restaurants and other things.

Community Questionnaire

1. Rank the economic development objectives from 1 (most important) to 8 (least important).

Objective	Responses	Score
Encourage the development of housing affordable to Lincoln City’s workforce.	66	6.70
Encourage businesses that pay good wages to locate, develop or expand in Lincoln City.	57	6.09
Encourage development of a local workforce with the skills that Lincoln City businesses need.	64	4.95
Support businesses that provide for the needs of Lincoln City residents, including, but not limited to, the growing population of retirees.	60	4.62
Improve the transportation system to support economic development.	70	4.49
Foster Lincoln City’s recreation and tourism based economy, with particular attention to off-peak seasons.	61	4.03
Develop the infrastructure necessary to support working from home.	62	3.71
Other.	30	2.63

- Youth work force programs.
- Those are all really important objectives - very hard to rank because #8 will seem like a low priority, but none of them are.
- Limit the number of vacation rentals.
- Encourage development of activity based businesses including, but not limited to the youth. Something affordable. We also need to encourage a youth homeless shelter.
- Diversify economy - we need a "back up" besides tourism.
- Develop or encourage a manufacturing guild to support existing and new cottage industries.
- Help to facilitate building of affordable homes for first time home buyers who will have it as a primary residence. Not just providing more rentals.
- Big companies create jobs.
- Provide shopping that reduces the need to go to the Valley for goods and services.
- Limit and enforce the laws regarding vacation rentals. They should not monopolize the housing market.
- Enterprise zones for non-tourism based businesses.
- Downtown parking to open up Highway 101 for turn lanes to keep the flow of traffic.
- More housing, less vacation rentals.
- Work to diversify the city's economy by recruiting high-paying businesses not specifically tied to tourism, recreation and the service sector. Improve the technical infrastructure necessary to grow high tech and other high wage sectors. Improve traffic flow so that Lincoln City does not continue to be known as a place to avoid.
- Expand our local community college and its offerings as well as its outreach and involvement with the local community, not just Newport.
- Limit vacation rental housing.to a minimum.
- Limit the vacation rental industry to make more homes available to local families.
- Improved availability of fiber optic internet to the home is key to attracting and retaining a modern, young workforce.
- Protect natural resources for their economic benefit as well as quality of life.

2. Identify Lincoln City’s strengths and weaknesses as a place to do business.

	Major Strength	Minor Strength	Minor Weakness	Major Weakness
Location on the Oregon Coast.	53	10	2	3
Proximity to US 101 and other transportation corridors.	33	19	9	6
Quality of life.	25	20	14	8
The local markets and volume of customers.	10	28	22	6
Available land and buildings for employment growth.	5	17	22	22
Public infrastructure (transportation, utilities, high speed internet, etc.)	5	14	28	20
General business climate.	3	25	26	13
Available financing.	3	17	27	14
Available, skilled workforce.	3	10	26	29

Interaction with firms in the same and/or related industries.	1	28	28	7
Permitting processes.	0	17	19	25
Development fees.	0	14	21	24
Other.	1	1	1	8

- Cost of living.
- The fact that we have no comfortable walking shopping district as well as not having an anchor grocery store such as Trader Joe's or WinCo to compete with Safeway.
- Ineffective city planners.
- Food costs are crazy out here.
- Lack of available housing for skilled/professional employees.
- Current interest from tech industry relocating business here.
- Lack of workforce housing.
- Oregon Coast Community College is a major strength.

3. City leaders want to encourage the development of affordable and workforce housing in Lincoln City. Rank the following to accomplish this from 1 (most important) to 7 (least important).

Objective	Responses	Score
Make city-owned property available for development of affordable housing.	53	5.04
Periodically review the city's development code and zoning map to encourage a variety of housing types, such as accessory dwelling units, tiny houses, apartment houses and housing for seniors.	62	4.90
Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping and services.	52	4.33
Involve employers in efforts to provide and support workforce housing.	59	4.31
Ensure sufficient, appropriately zoned land is available within Lincoln City and outside the tsunami inundation zone.	50	4.22
Reduce fees for improving utilities, transportation and parks collected from new construction of affordable and workforce housing.	53	3.89
Other.	17	3.12

- Encourage development of inexpensive housing.
- Loans for housing rehab – less expensive than new construction.
- Monitor landlords' compliance with tenant laws. I'm not a renter, but I hear stories at least weekly of abuses and dismissal of both the letter and intent of the law.
- Providing low income down payment assistance.
- Reduce or eliminate vacation rental properties.
- Allow tiny homes and RV living in general residential zones.
- Limit vacation rentals to create more housing for residents.
- Provide more long term rental properties at an affordable cost.
- Encourage internet service providers to provide modern high speed internet access (100Mbps+ up/down) to Lincoln City.
- Encourage and foster the building of affordable housing.
- Identify vacant/underutilized housing units; develop incentives to convert to long-term housing.
- Reduce blight and enforce codes in neighborhoods to encourage private investment.

4. Which housing types does Lincoln City need most?

Housing Types	Responses
Cottage housing (small detached units clustered around a common green).	38
Single-family detached.	36
Attached single family, duplex/triplex, townhouse.	35
Accessory dwelling units (a small dwelling on the same lot as a single family house).	24
Courtyard apartments (in one-story and two-story building).	24
Subsidized units.	23
Senior housing.	20
Apartments, condominiums (in multi-story buildings).	19
Other.	12

- Houses with land.
- Not vacation homes.
- We need a variety of housing types, properly placed throughout town that fit in with surrounding neighborhoods.
- Alternative/natural homes.
- We need anything that will get our employed low income workers a place to live.
- No more low income apartments. They attract crime and the type of citizen we do not need in our community. We need people who contribute to society.
- Quality housing that rent costs do not exceed \$8,117 annually, or \$676 monthly, based on median income in Lincoln City.
- Quads and shared transient and low wage employee housing.
- Mixed use (retail/commercial below, apartments/condos above).
- Non-subsidized 3 plus bedrooms residences for families that are affordable.
- Everything needs increased.

5. Lincoln city needs units with how many bedrooms?

Number of Bedrooms	Responses
Three	48
Two	42
One	21
Studio (one room with separate bedroom)	16
Four	13
Five or more	4

6. What do you personally consider an affordable purchase price for a home?

Price	Responses
\$150,000 - \$200,000	29
\$100,000 - \$150,000	19
Less than \$100,000	10
\$200,000 - \$250,000	4
\$250,000 - \$300,000	2
More than \$300,000	1

7. Is there anything else we should know about economic development or housing in Lincoln City?

- It would be nice to have some small houses or studio apartments that accept pets. It's hard to find a nice affordable place to rent that accepts animals.
- I'm a long time property manager in Lincoln City. No one has approached me in recent years to discuss: vacancy factors, rent ranges or housing inventories. Seems like that would be a first step before jumping into development mode. We have consistently had inventory available. Finding qualified tenants is another matter. There are some high rents that do not serve the workforce workers at the lower ranges. But typically there are always some economical choices available.
- We need more activities for the youth. We also need more local businesses to help keep our economy up. Franchises do well in Lincoln City, but we can't forget about our local businesses who actually help our economy. If we could get a youth homeless shelter that would be great.
- How can we match housing that sits empty most or all of the time with people who lack stable or sufficient affordable housing?
- Until there's a manufacturing component in our city, we cannot thrive. Basing the economy in our climate (weather) on tourism will never get us beyond survival. "Idle hands are the devil's playground" is very observable in our area. Drug abuse would probably not be so rampant if people were too busy creating/building/manufacturing/working. A coalition or cooperative of "makers" would enable our city to be more than a weekend destination, we could be a force.
- Thank you for asking
- It's about time that the powers that run this town realize that it's the working people that keep this town going. Having housing costs over \$500 or \$600 for many people are way out of our reach. It isn't like the common worker is getting all of the vacation money that comes into this town. We need a stop to this high rent
- Rent is as bad as living in California. Need landlords to follow housing rules; they don't. If you have section 8 they make the rent way to high, so they don't have to accept you.
- Affordable housing especially monthly rentals is almost nonexistent in Lincoln City. You cannot expand work force without somewhere for minimum-low wage employees to live. May have to adopt a policy like Hood River did. There must be some balance.
- There are too many vacant commercial structures. Rezone for housing?
- There may be a future need for subsidized assisted living units near medical facilities; also a need for community meeting spaces in each of the "pearls". Is there a way to create more state/county jobs in Lincoln City with improved use of fiber optics? Better paying jobs can afford the more expensive homes.
- We have to diversify away from tourism for consistent, year-round wages.
- Why can't we find a place for tiny homes to help place some of our less fortunate with little to no income?
- Economic development certainly is linked to housing, but efforts must include developing high-wage jobs so workers can afford quality housing for themselves and their families, and not just low income housing for the low wage jobs that currently exist.
- There is an opportunity to create a legitimate walking shopping district with an anchor business such as a wave park (think ski resort for surfing) in the city owned property on the north end of town. If developed and designed right (using the Kelly's Slater Wave Pool technology) you could use the wave park as an anchor attraction and surround it with retail, restaurants, hotels and grocery stores that would all thrive around the wave park, making a legitimate walkable shopping district in Lincoln City. It would also be one of the first of its kind in North America, promptly putting it on the map as an international destination for surfing, especially since we

already have good waves here, on top of an artificial wave. Take a close look at the town Coolangata in Australia. While Australia is surely a different market than here, when the city made the decision to invest in pumping sand to create a world class wave, the town blew up practically overnight. Now it is a major international destination for surfers worldwide. A recent study done by Oxford University that measured the impact of surfing on local economies, in particular where good waves are breaking, concluded that good waves contribute \$51.2 Billion dollars each year to economic activity in their surrounding 50km. Developing a wave park with surrounding infrastructure modeled of what ski towns and resorts do would drastically change and boost Lincoln City's economy for the good.

- Define the word affordable based on the average working wage. Most I know, myself included, work 2 or more jobs and still cannot afford housing here.
- Please focus on housing that is affordable for the average income in Lincoln City. At the time of this writing best estimate was \$33,823 per year before taxes. According to HUD definitions, further refined by OR SB 1553 (March 2016 enacted), rents that are more than 30% of 80% of the local median income. 80% of the median income is \$27,058. 30% of that is \$8,117. That would mean annual rent costs above \$8,117 annually, or \$676 per month, are disproportionately burdensome to someone earning the median income in Lincoln City.
- Stop letting out of town money people from dictating how and where we can live.
- I believe Lincoln City should investigate multiple attractive small homes on residential lots. We also have a need for places for folks that live full time in their RVs to park.
- You have got to put in some control on tenant abuse.
- We need variety in good housing. No more cheap moldy apartments and no more vacation rentals in residential areas. And that does not mean rezone the areas so there can be vacation rentals everywhere.
- We need more options for true high speed internet to the home (i.e., fiber optic).
- We need to work toward encouraging vacation rental properties to become full time rentals. Maybe an incentive system or property tax break for transferring or owning a 30 day rental in Lincoln City. It's so much more profitable for these vacation rental owners to do nightly rentals that they are not incentivized to rent full time.
- I can't stress the urgency we need to have on the affordable housing/lack of housing in Lincoln City. We need to move fast on this issue. The best way to move fast is to use land already owned by the City to build clusters of tiny homes (300-1000 sq ft, studio to 3 bedroom) that are anchored by a green space. With quick action by the City to approve this type of construction we could have the project begun by the end of the year, and have the first (of many) of these tiny homes communities done in 2017. The key to keeping the purchase costs low would be to restrict the ability for homeowners to rent the units as vacation rentals; this type of community should have homes that range in price from about \$80-150k.
- Need to bring in the jobs that people can work that will provide a wage that can afford to rent/buy. And have properties that are reasonable in price to live in. Or we will keep losing our workforce.
- There are so many units that are vacant in many neighborhoods. Family properties that are held and not used. Vacant and underutilized properties offer the first opportunity for housing. No construction, just incentives and outreach to homeowners could get these back in play. Also help for full-time owners to build accessory dwelling units would be great, maybe low-interest loans or something. We would build one and rent it out.
- Annexation of Neostu and the East side of the lake needs to be done.

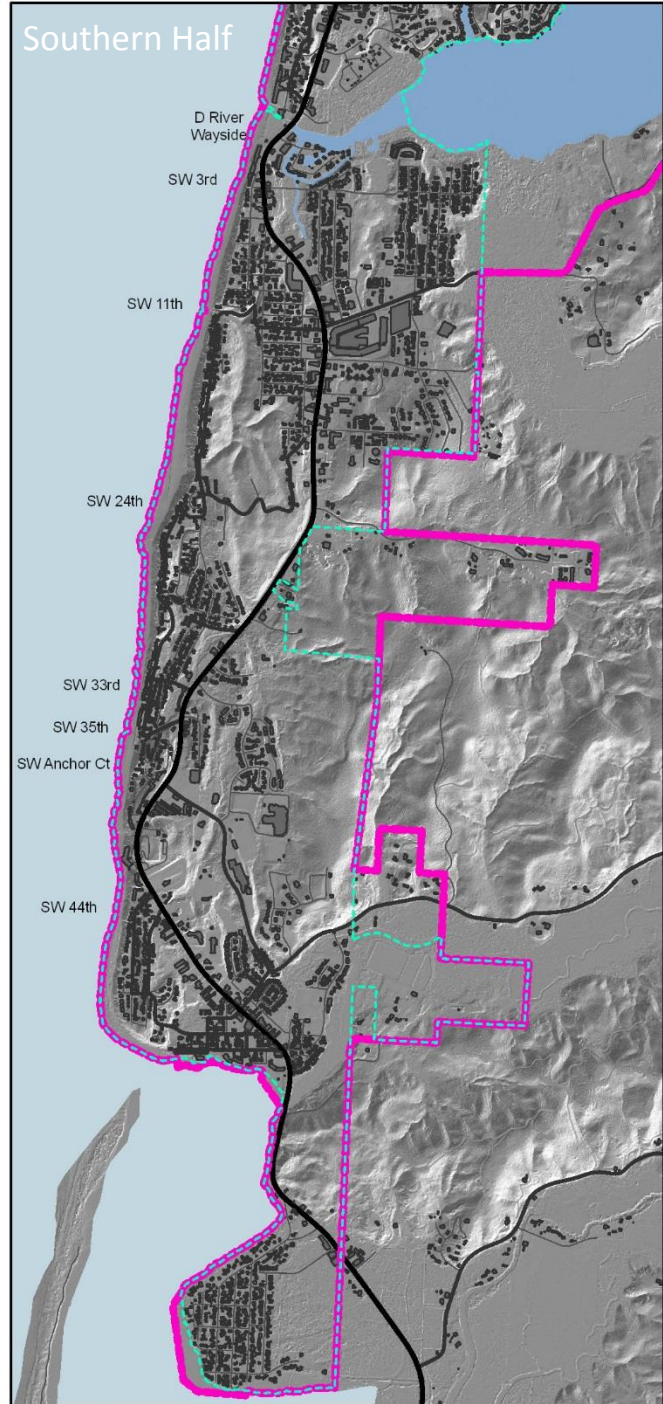
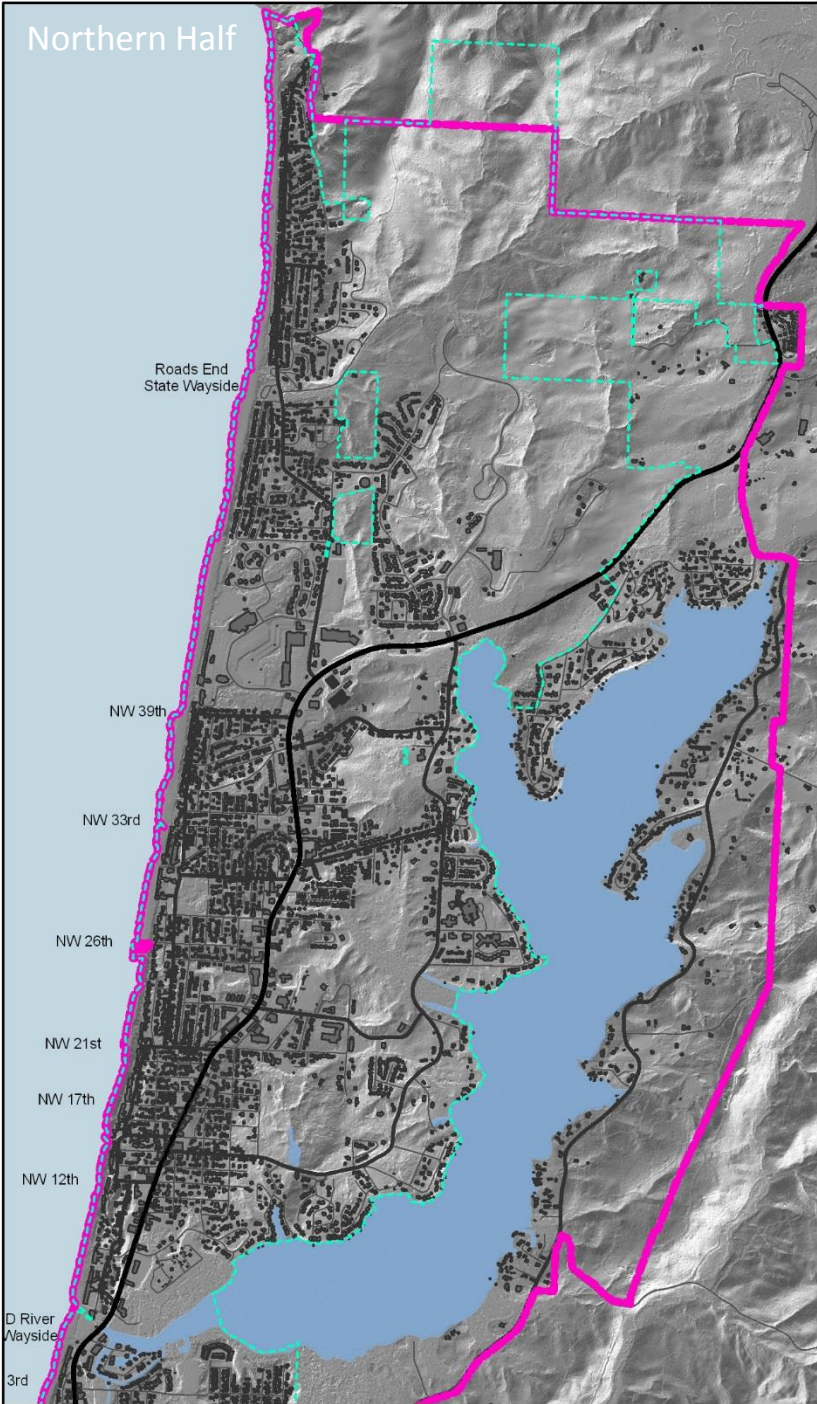
- We need any kind of housing that will help us retain a workforce for our service industry. We need to keep up good service to our tourists or we will lose them to other destinations. That's our only real industry and we need to act like we realize that.
- Stop planning and start building.
- Very few homes are on the market under 200,000. Basic 3 bedroom 2 bath should be available under 200,000.

Lincoln City

3,830 acres within City Limits

Additional 1,826 acres within UGB

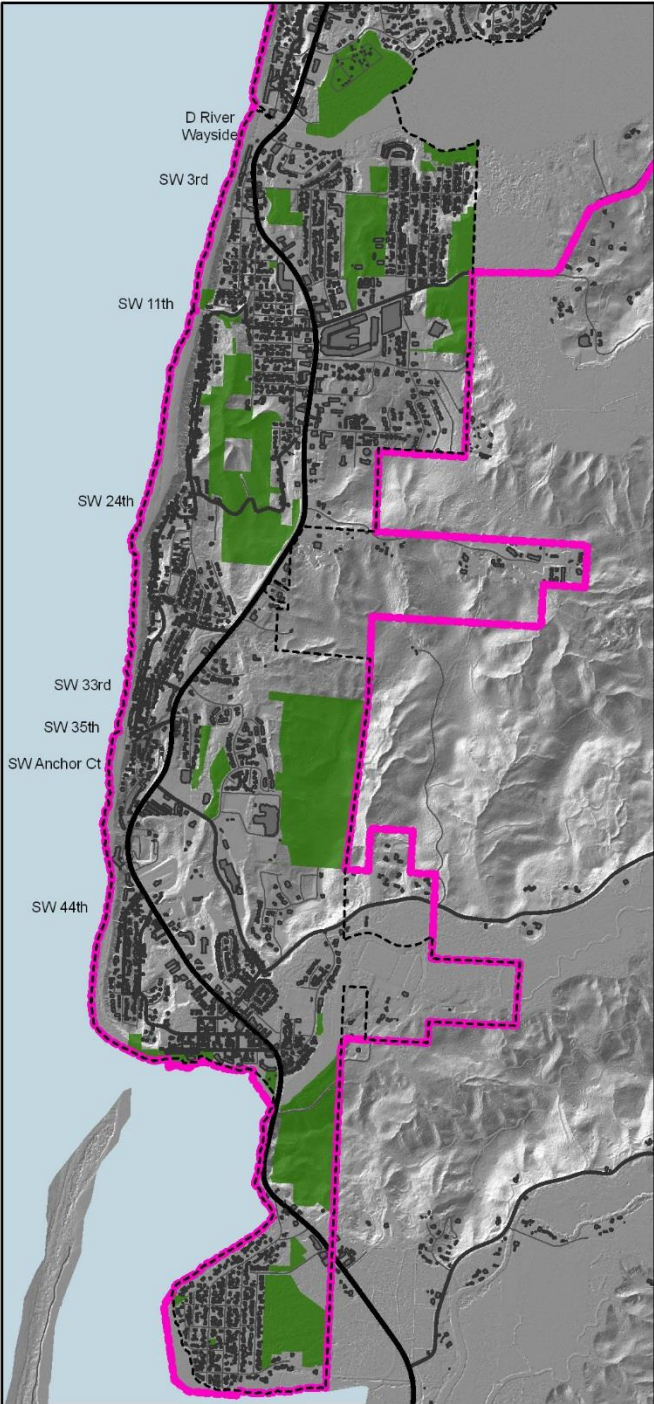
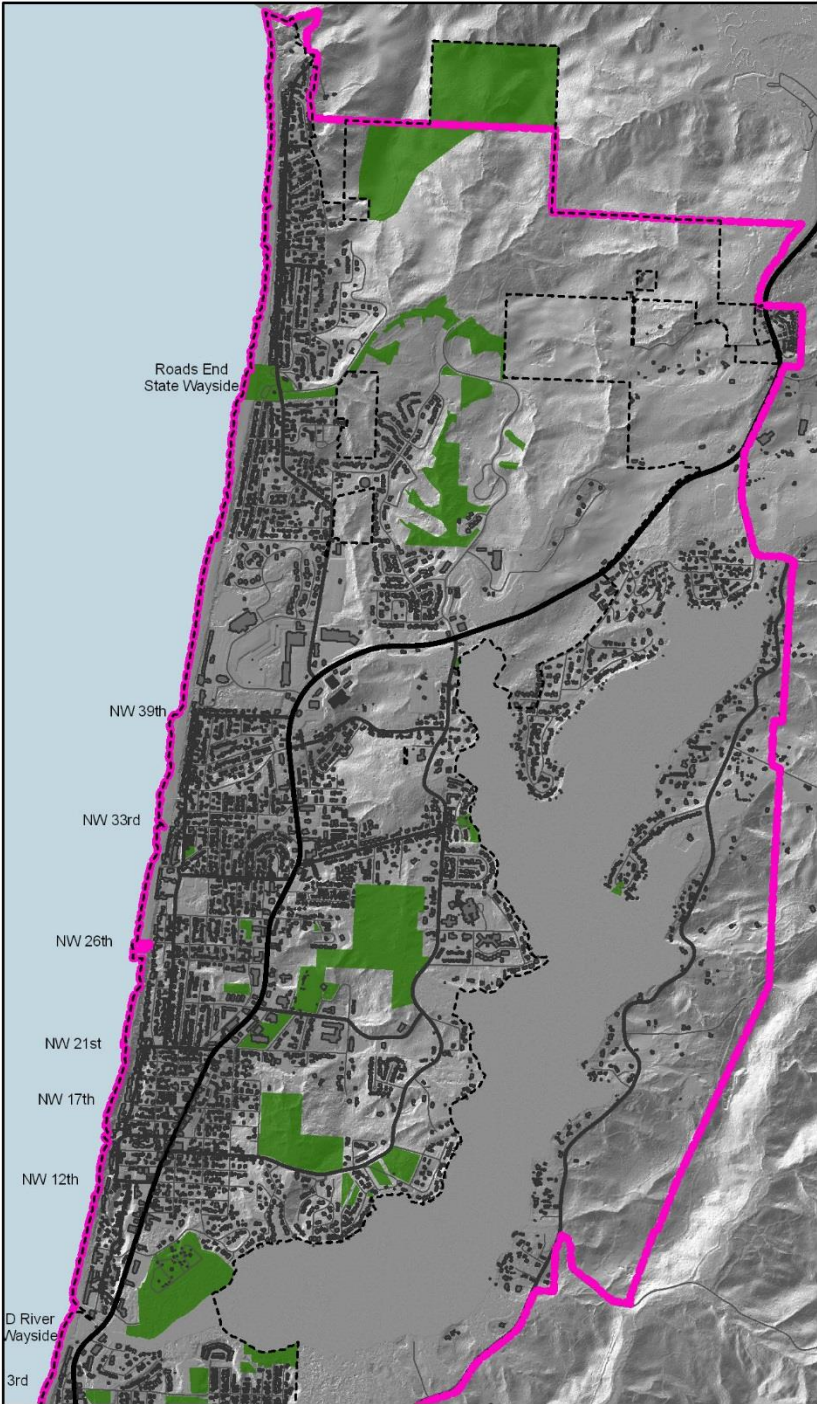
=> 5,656 acres total



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Open Water

Parks and Open Space

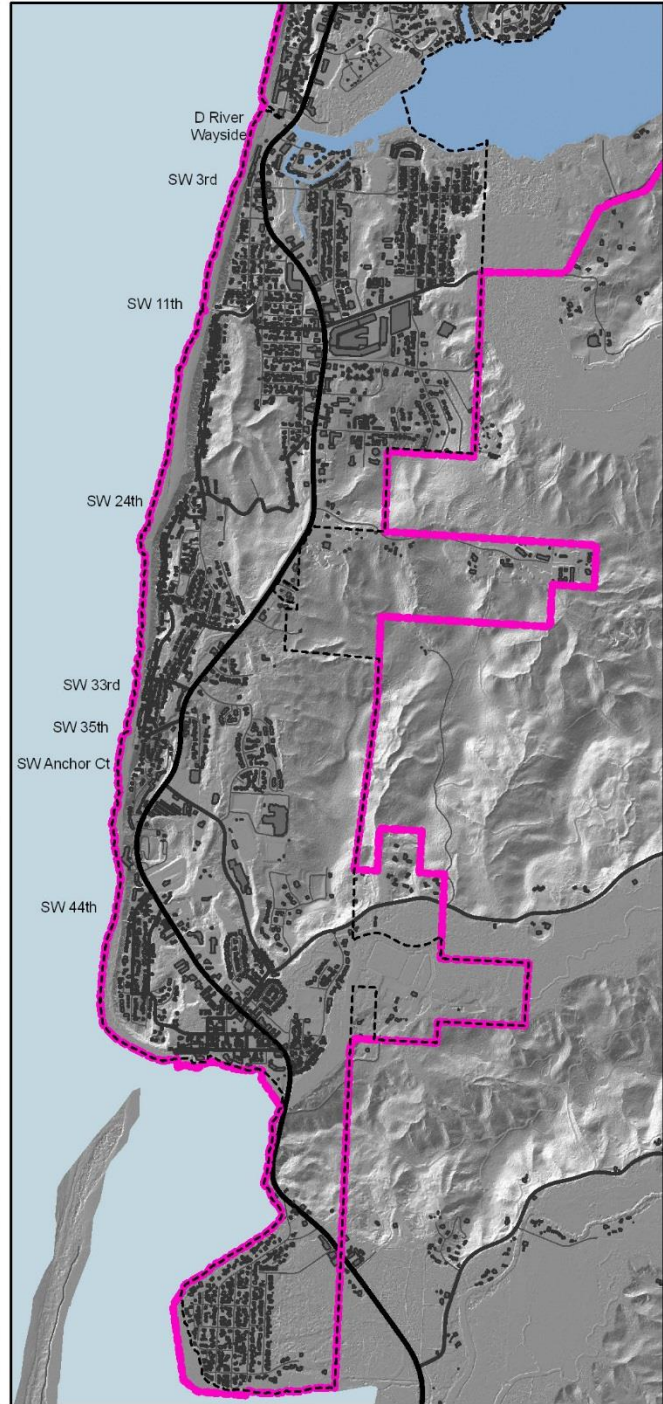
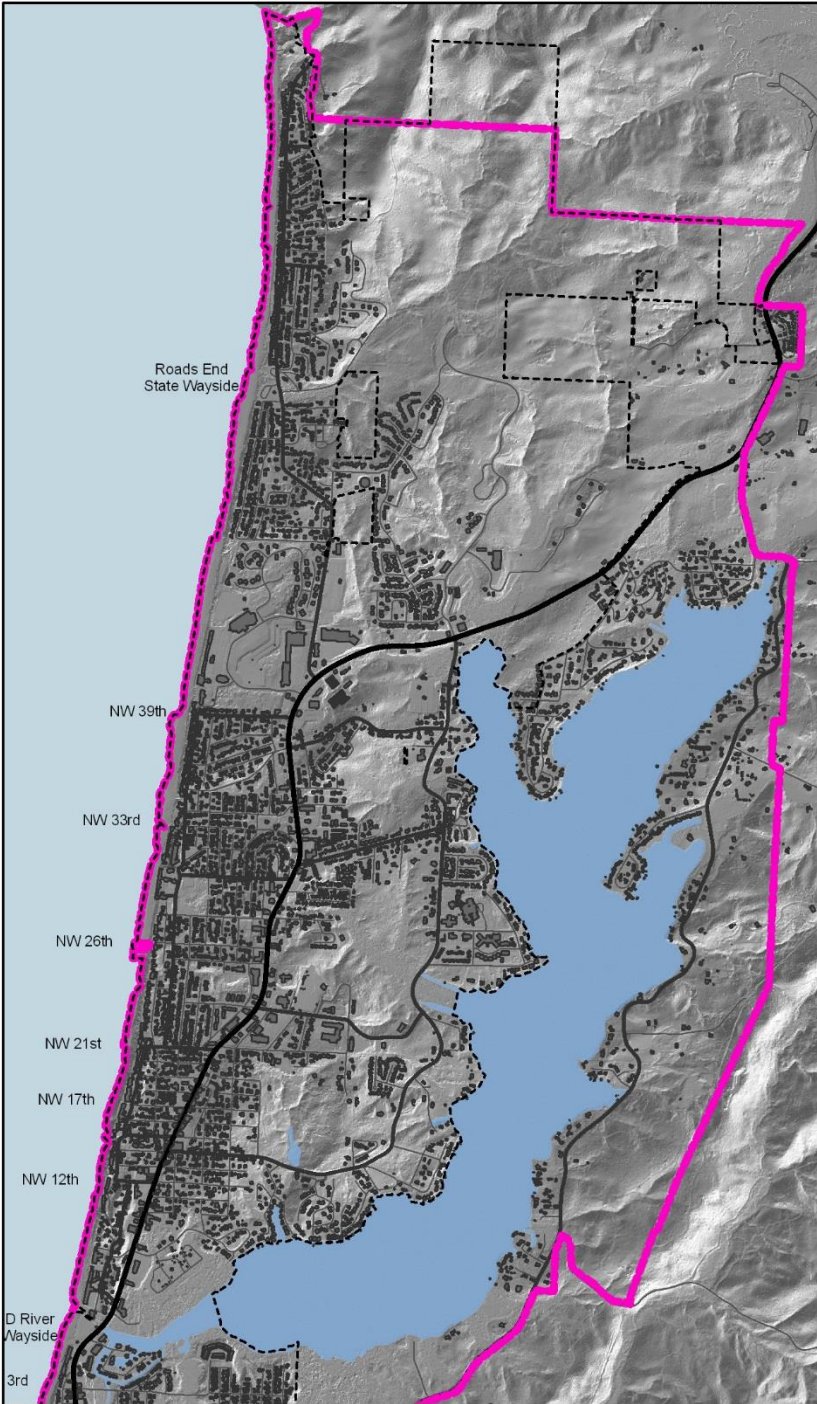
544 acres



- City Limits
- Urban Growth Boundary
- Building
- Highway 101
- Major Road
- Local Road
- Ocean
- Parks and Open Space

Open Water

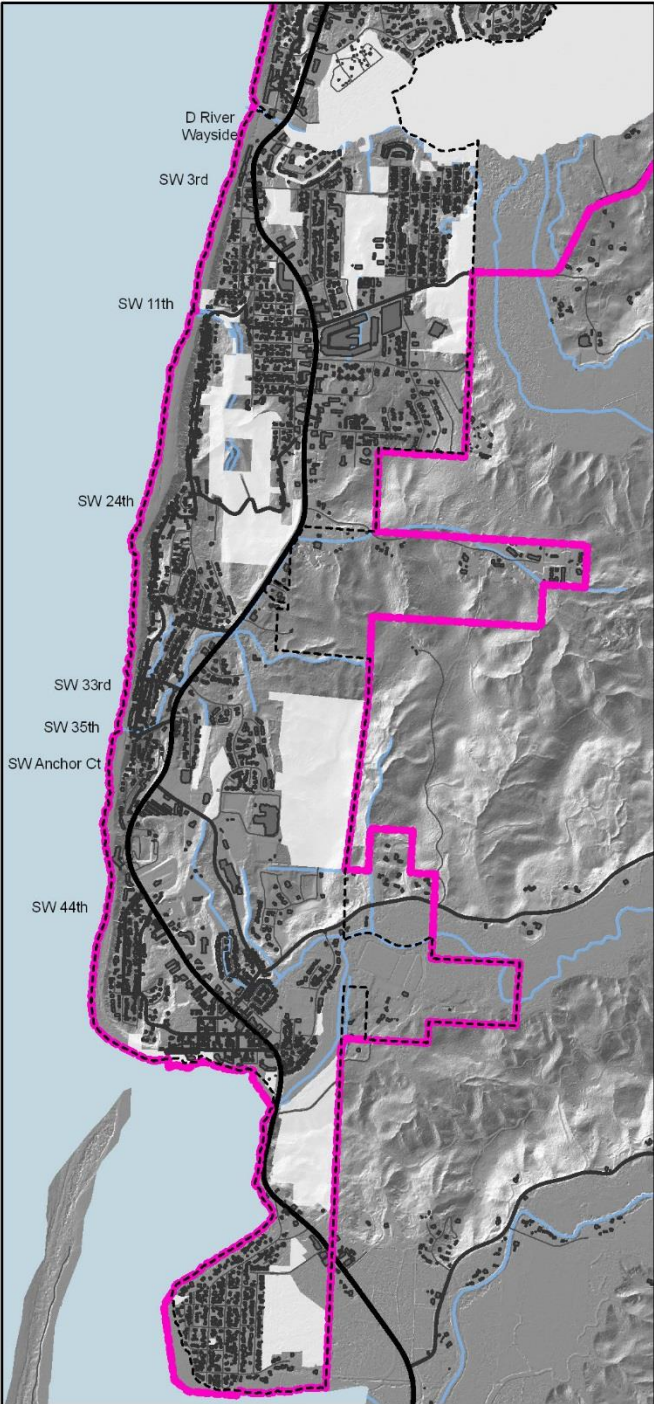
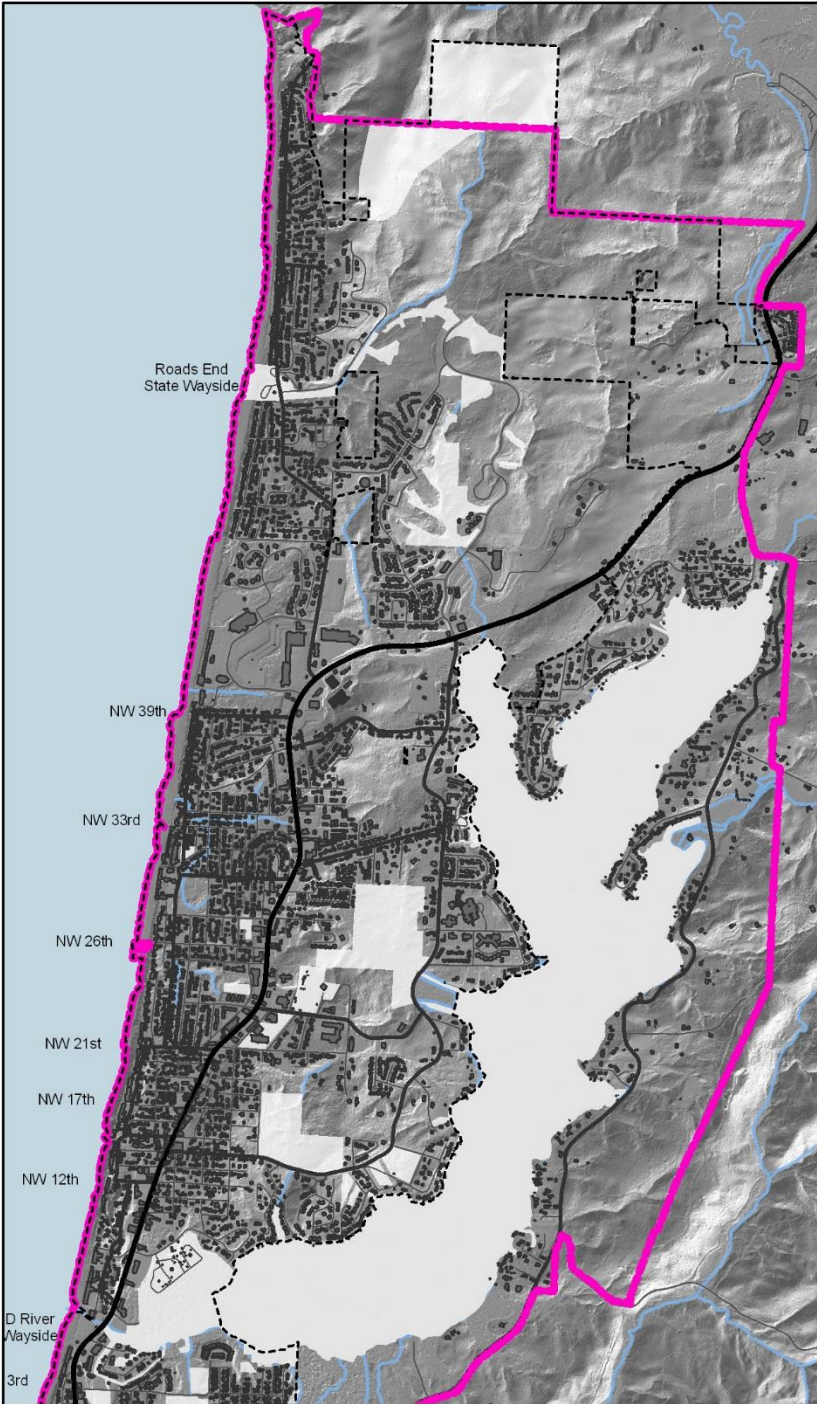
704 acres



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Open Water

Streams

90 acres

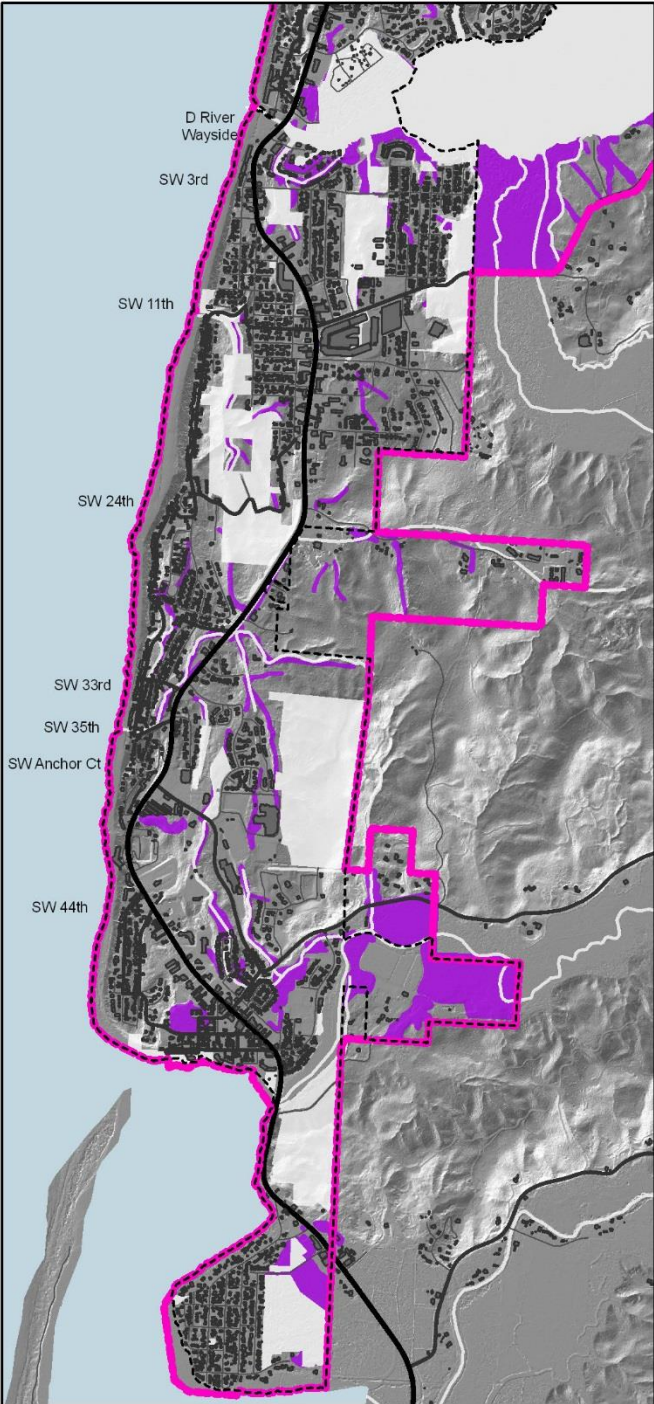
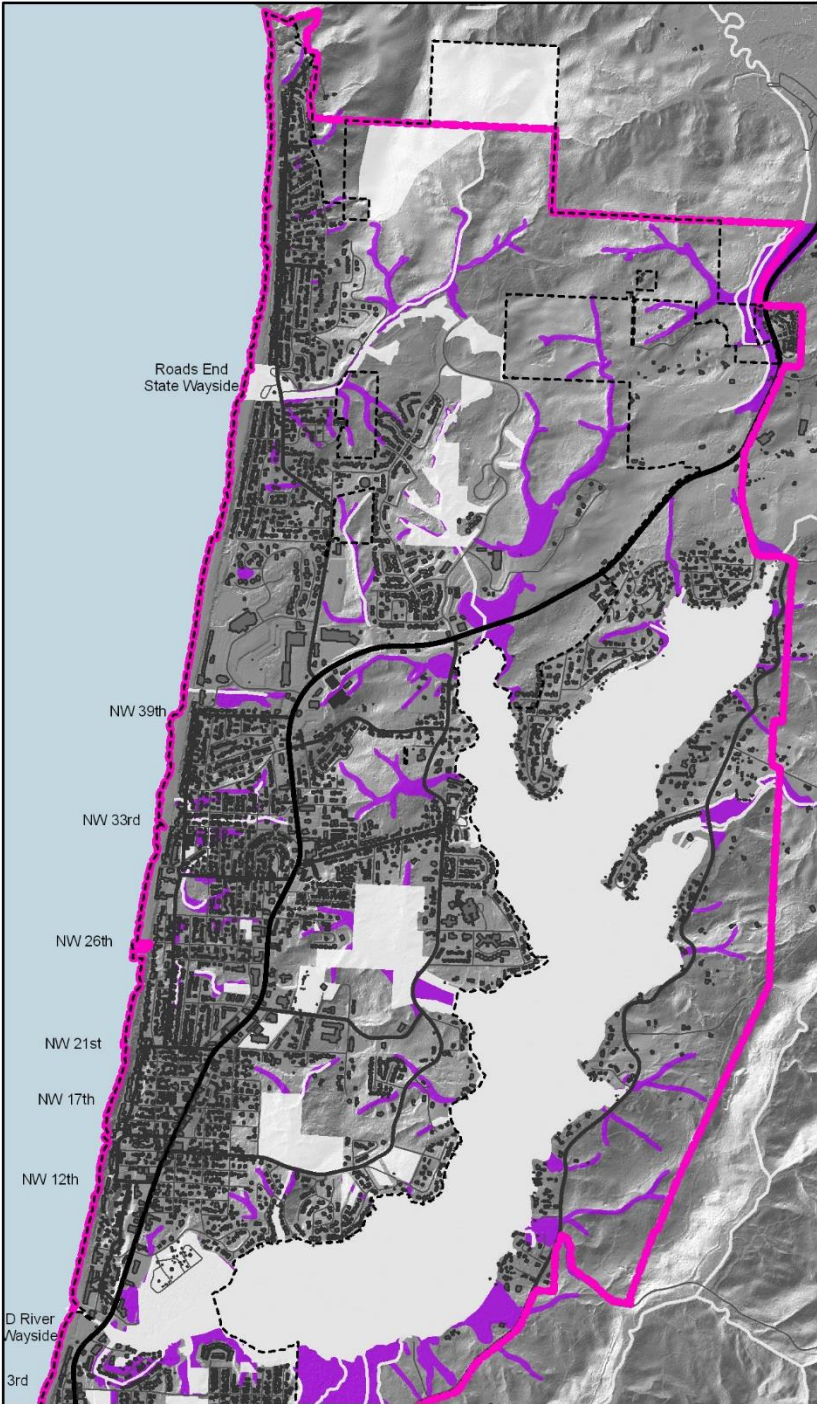


-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Riparian
-  Other Constraints

0 0.2 **Packet Pg. 83**

Wetlands

428 acres

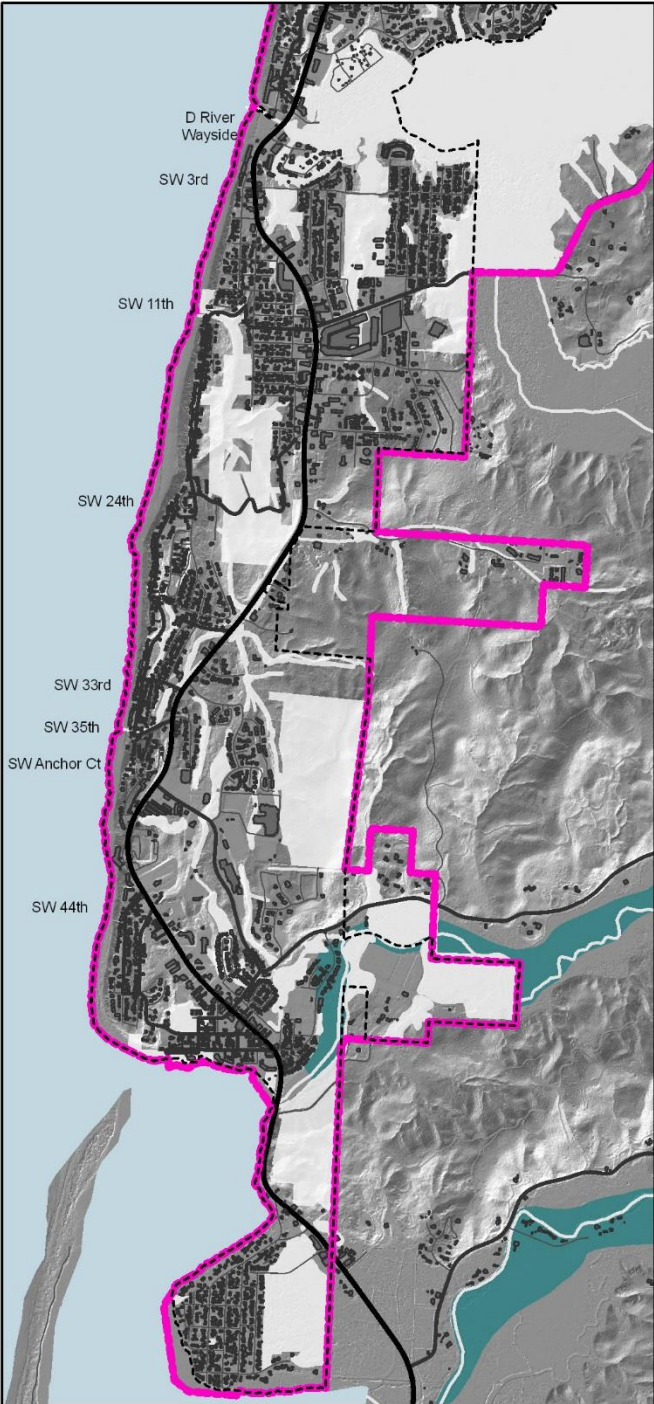
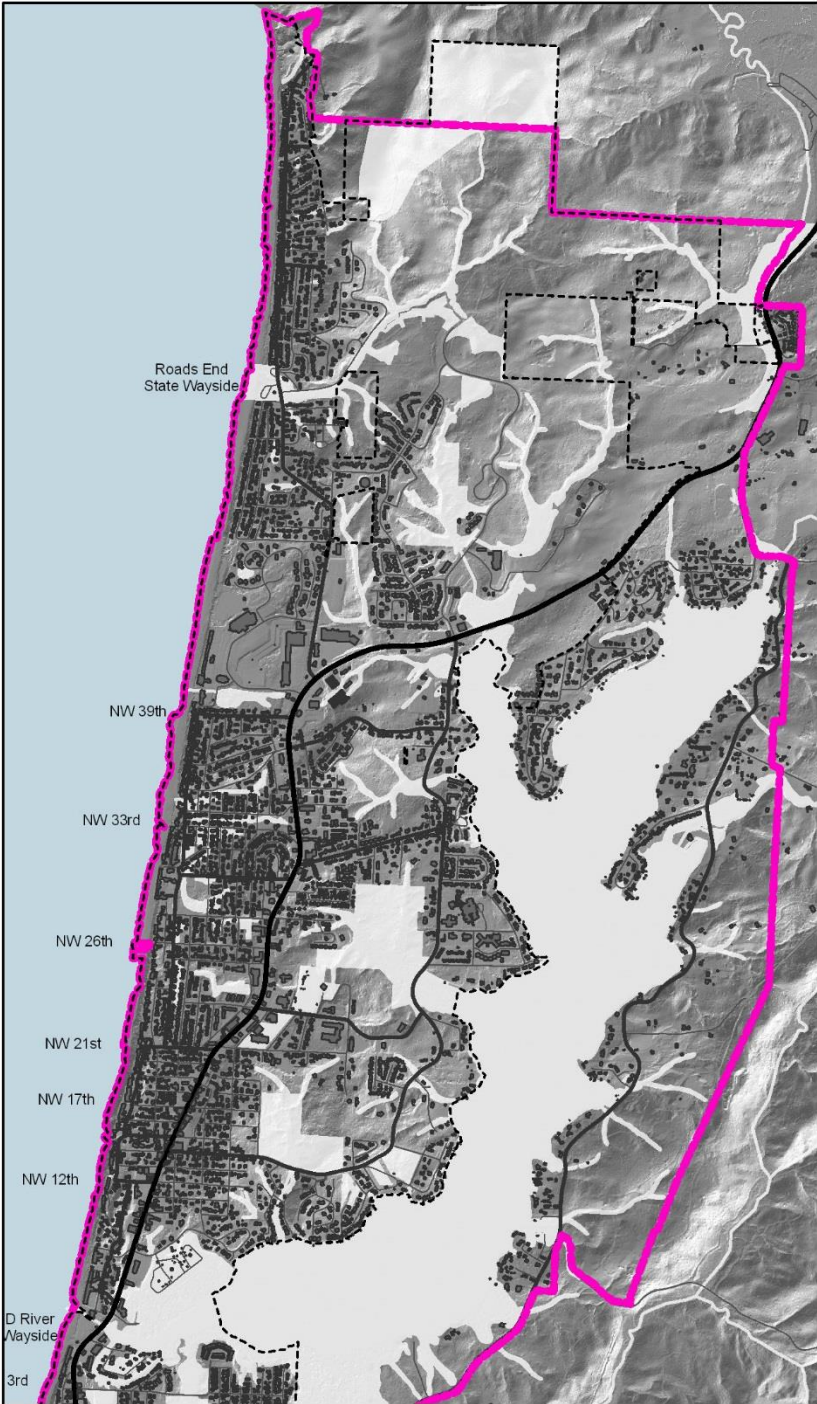


-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Wetlands
-  Other Constraints

0 0.2 **Packet Pg. 84**

Floodway

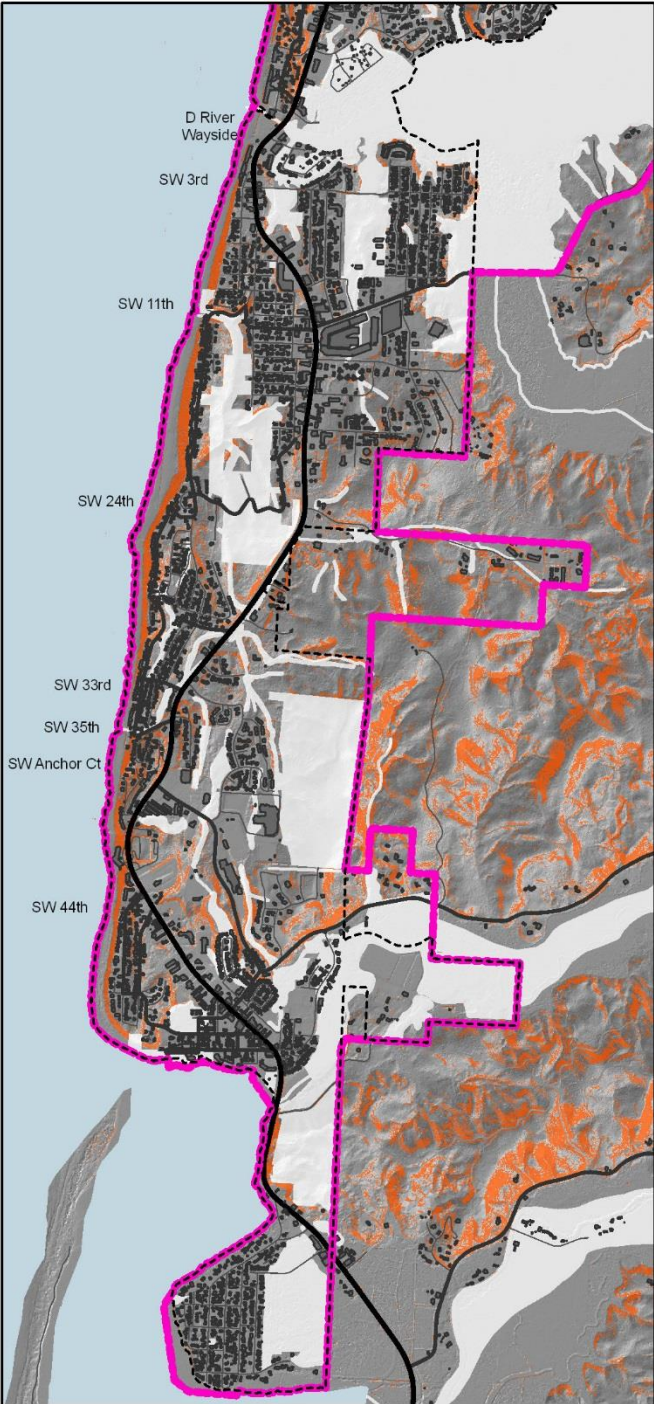
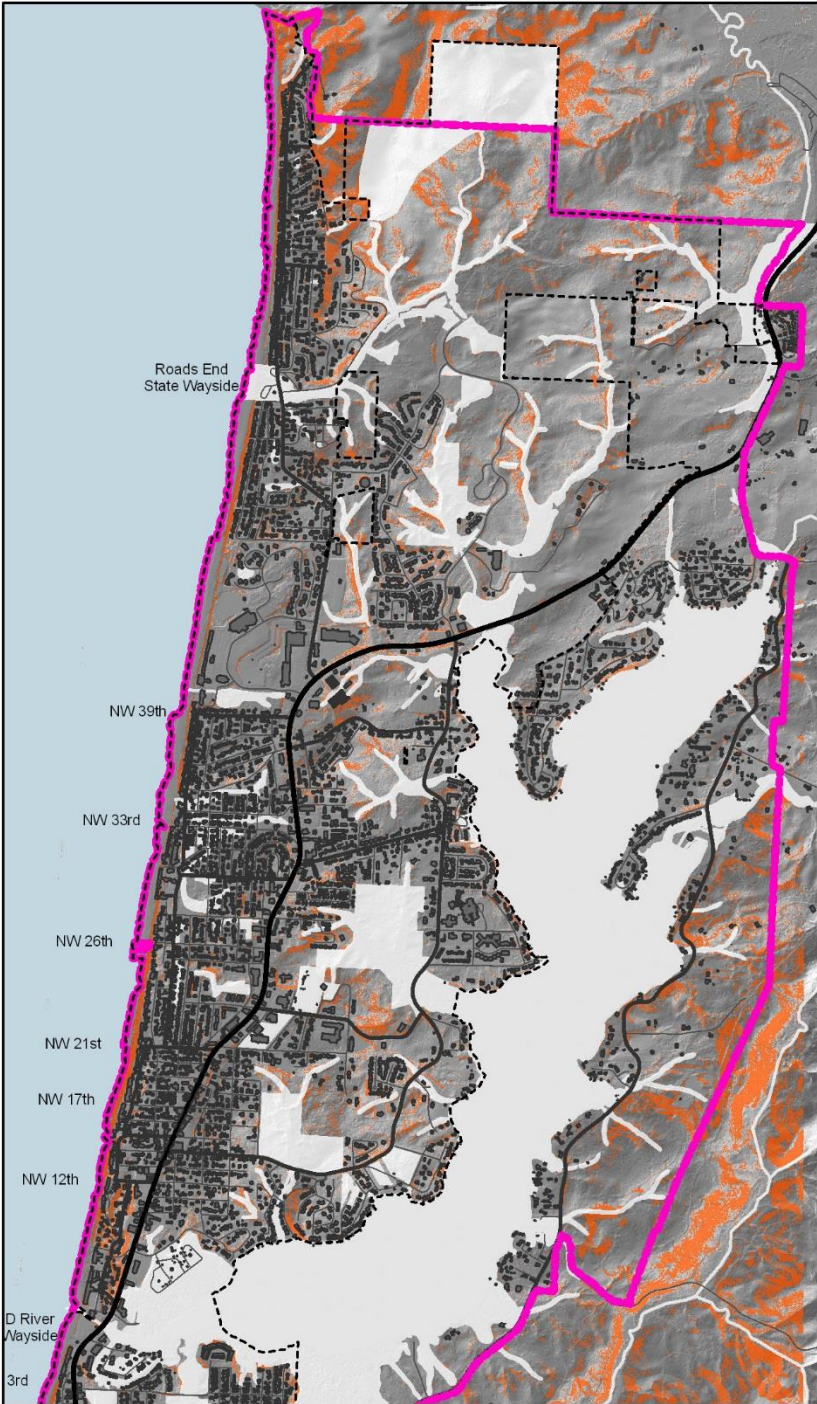
16 acres



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Floodway
-  Other Constraints

Slopes over 25%

322 acres

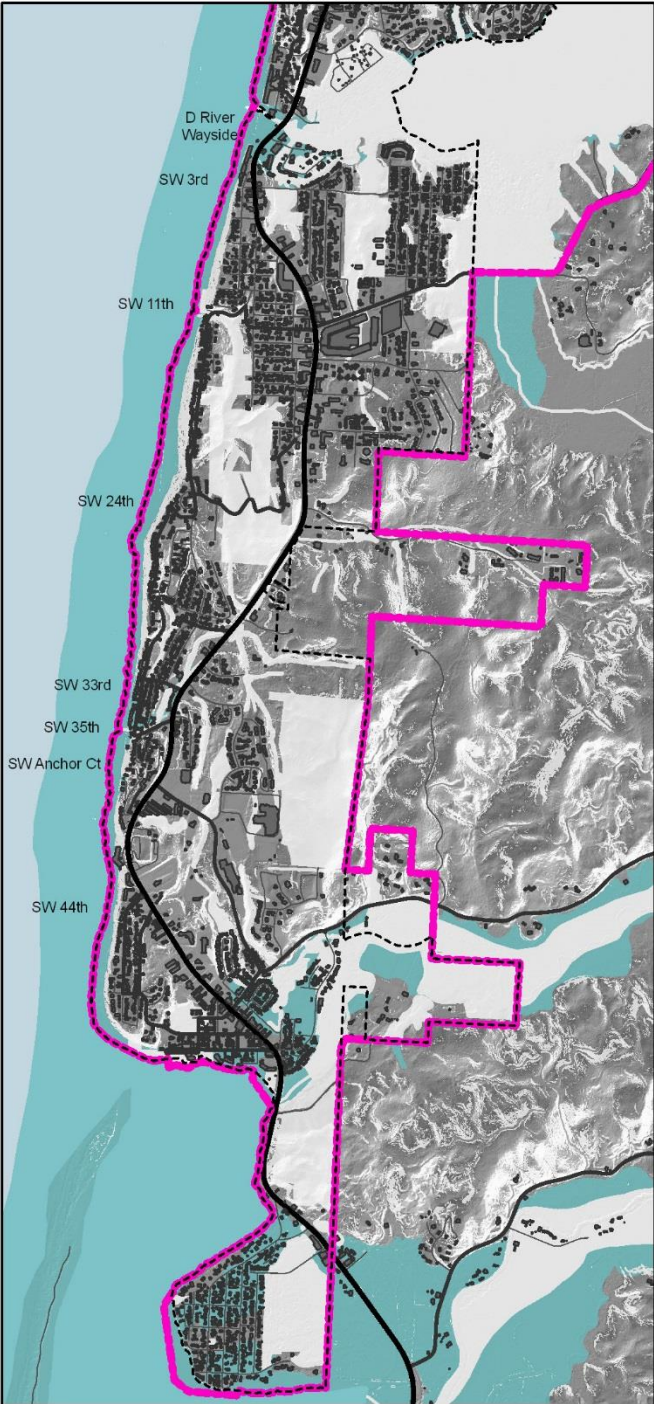
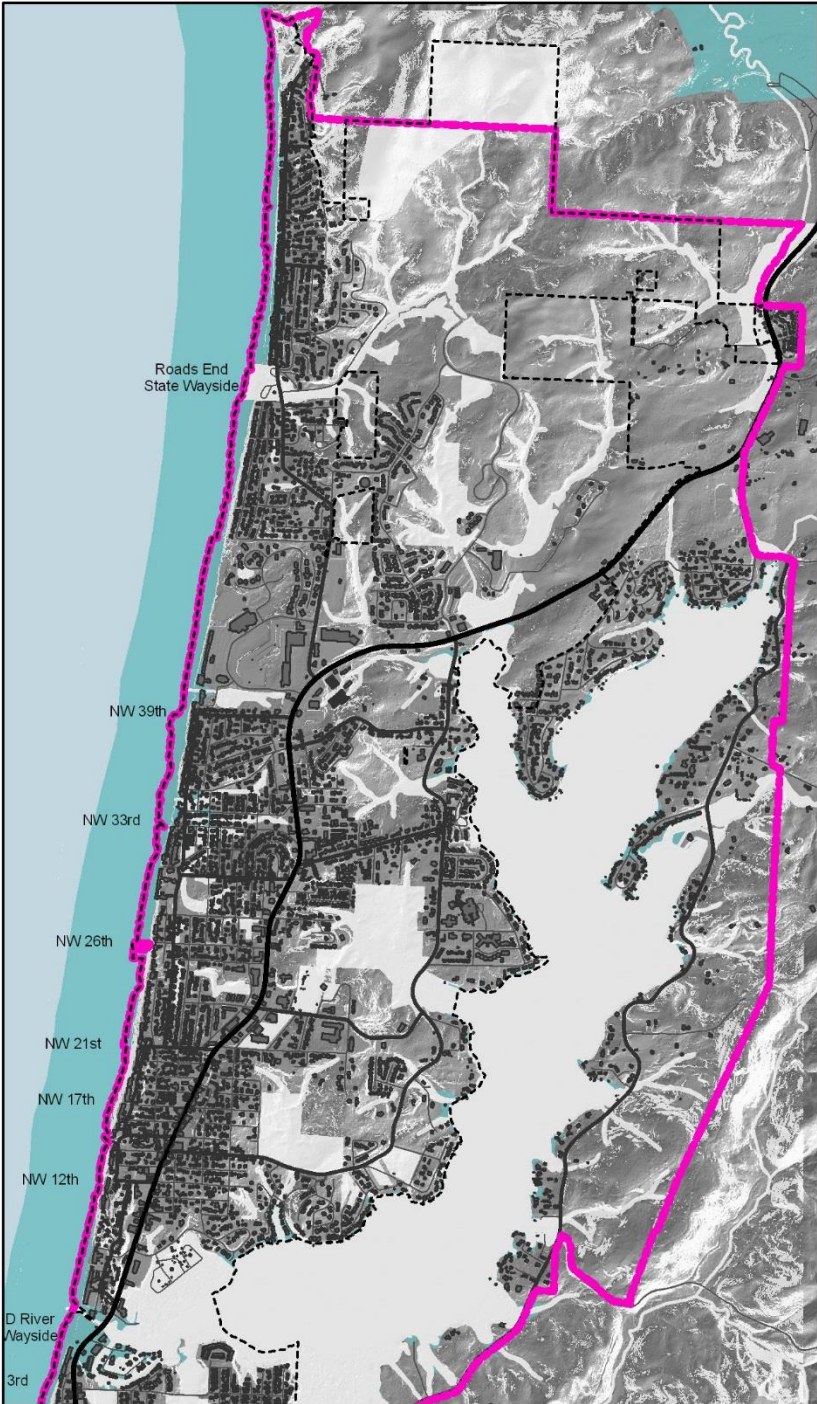


-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Slopes 25%+
-  Other Constraints

0 0.2 **Packet Pg. 86**

100-Year Floodplain

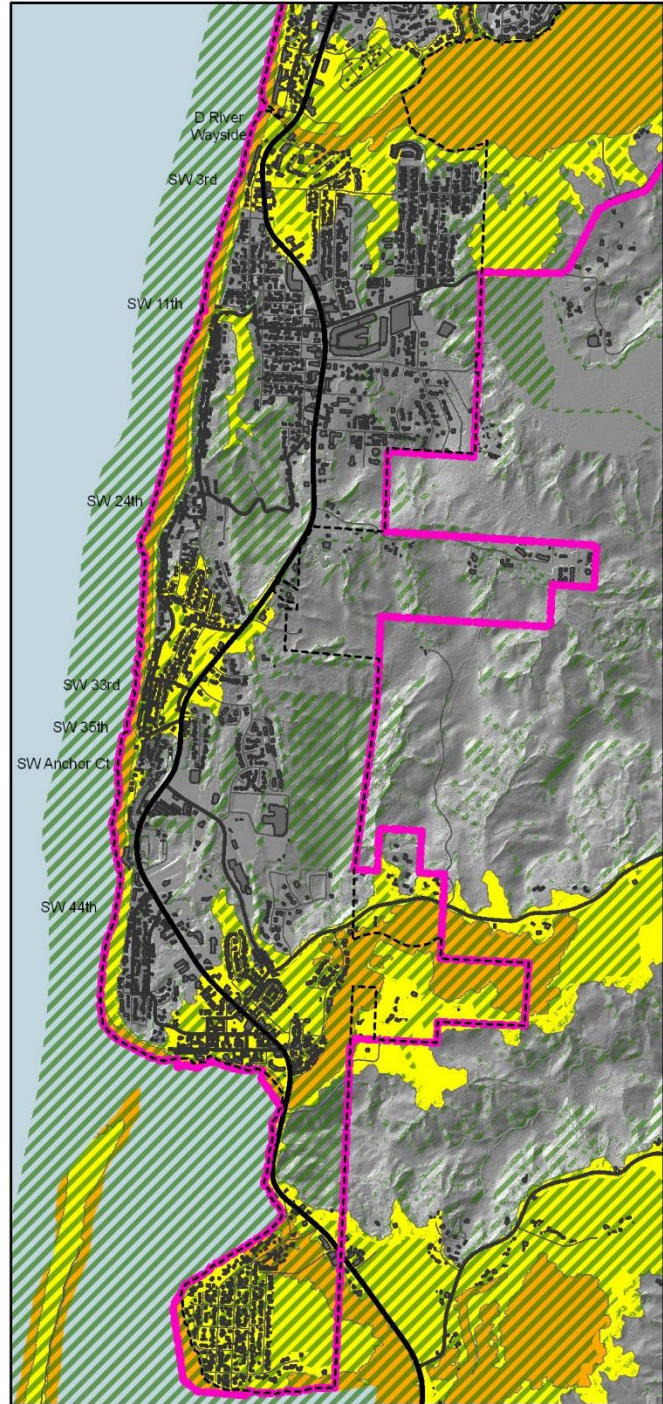
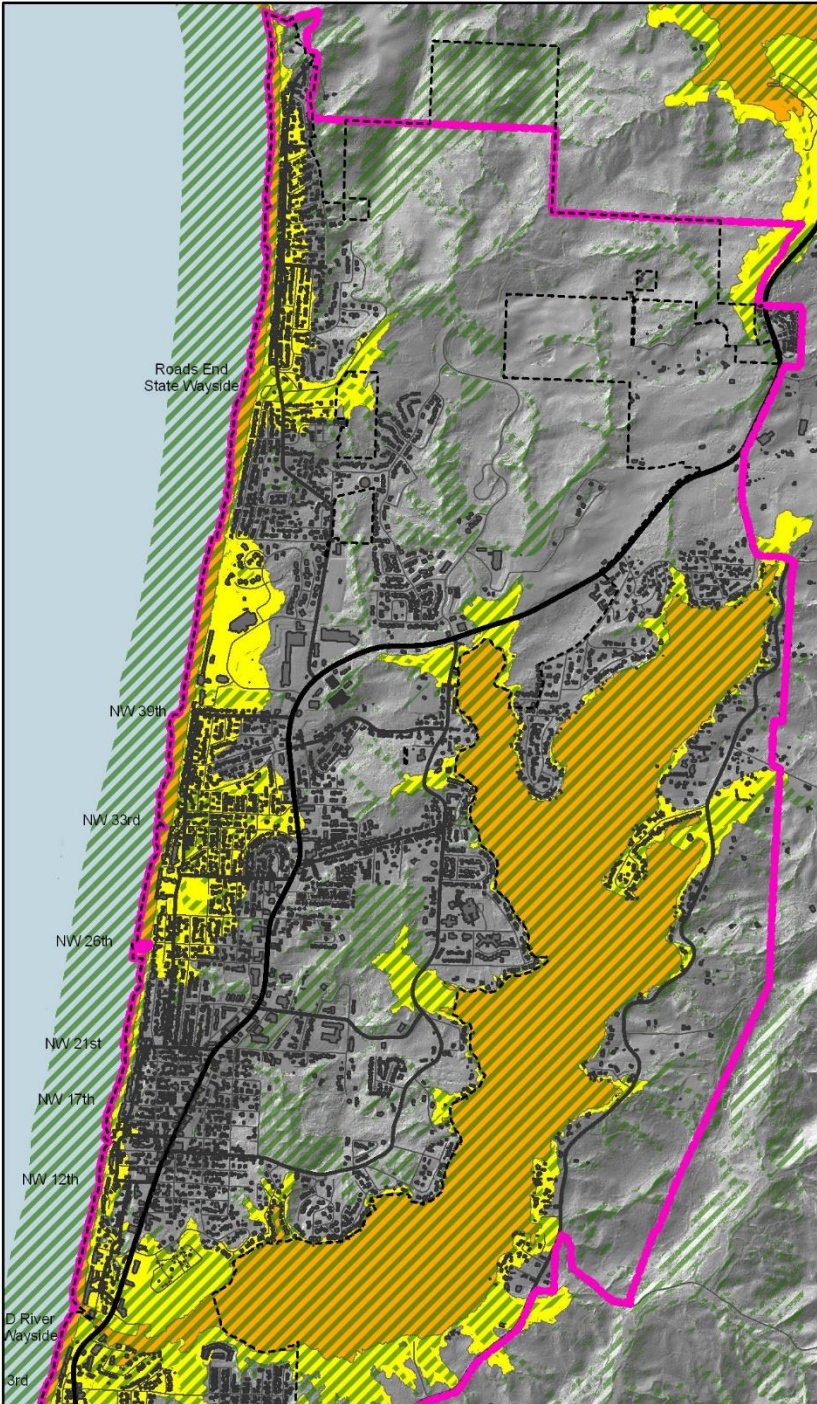
149 acres
(total of 298 acres)



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Floodplain
-  Other Constraints

Evacuation Zones

Use as a possible guide for scenario development



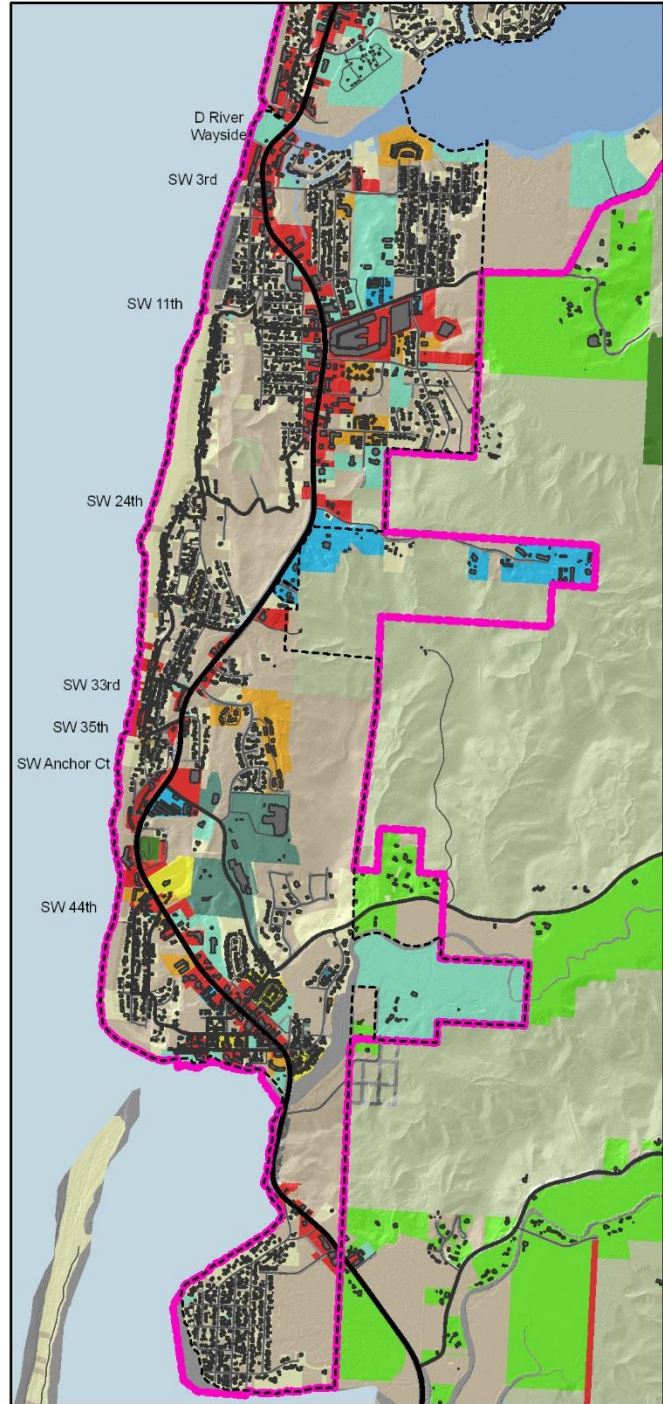
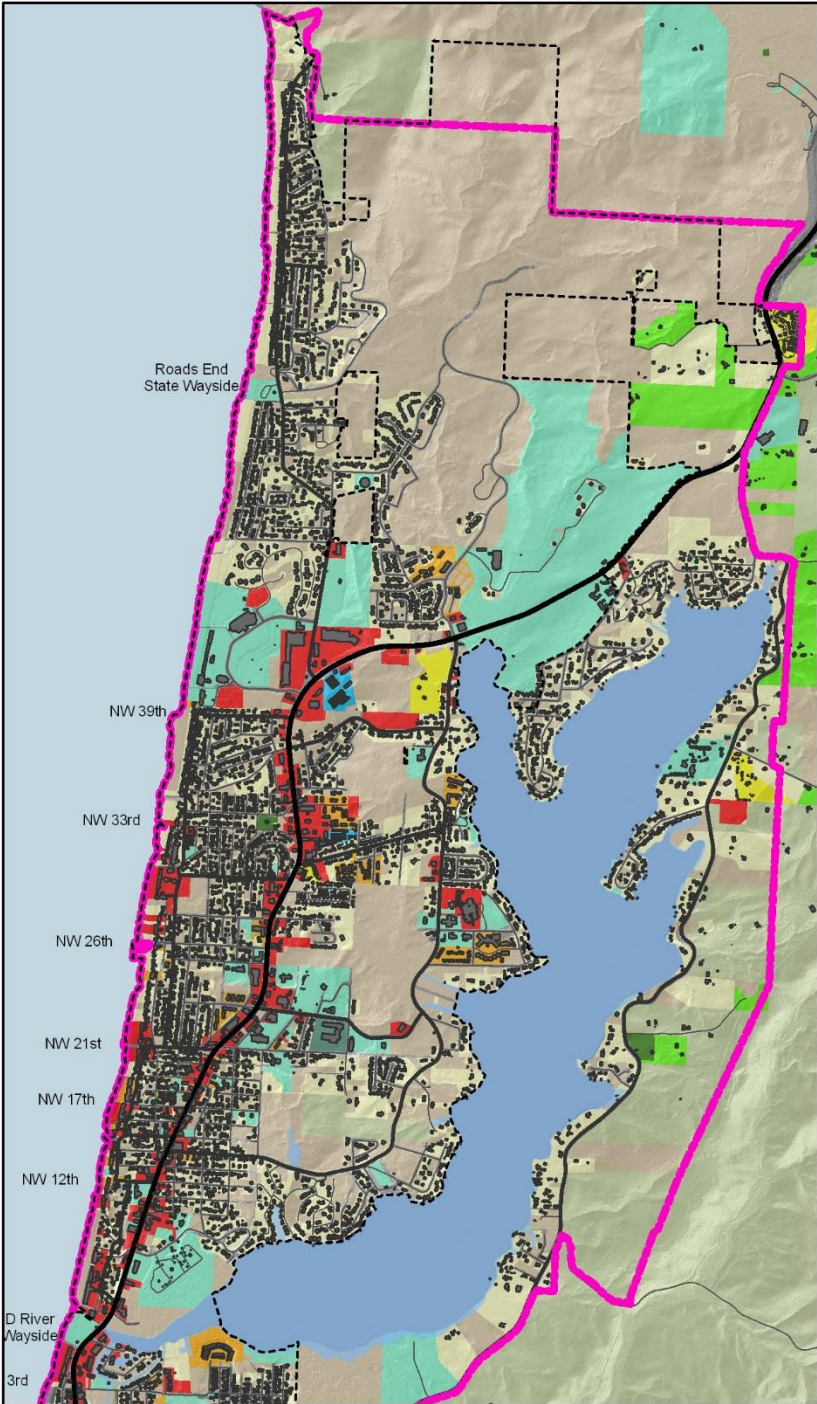
-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Constraints

EvacuationZones_CentralCoast

-  Local Tsunami Evacuation Zone
-  Distant Tsunami Evacuation Zone

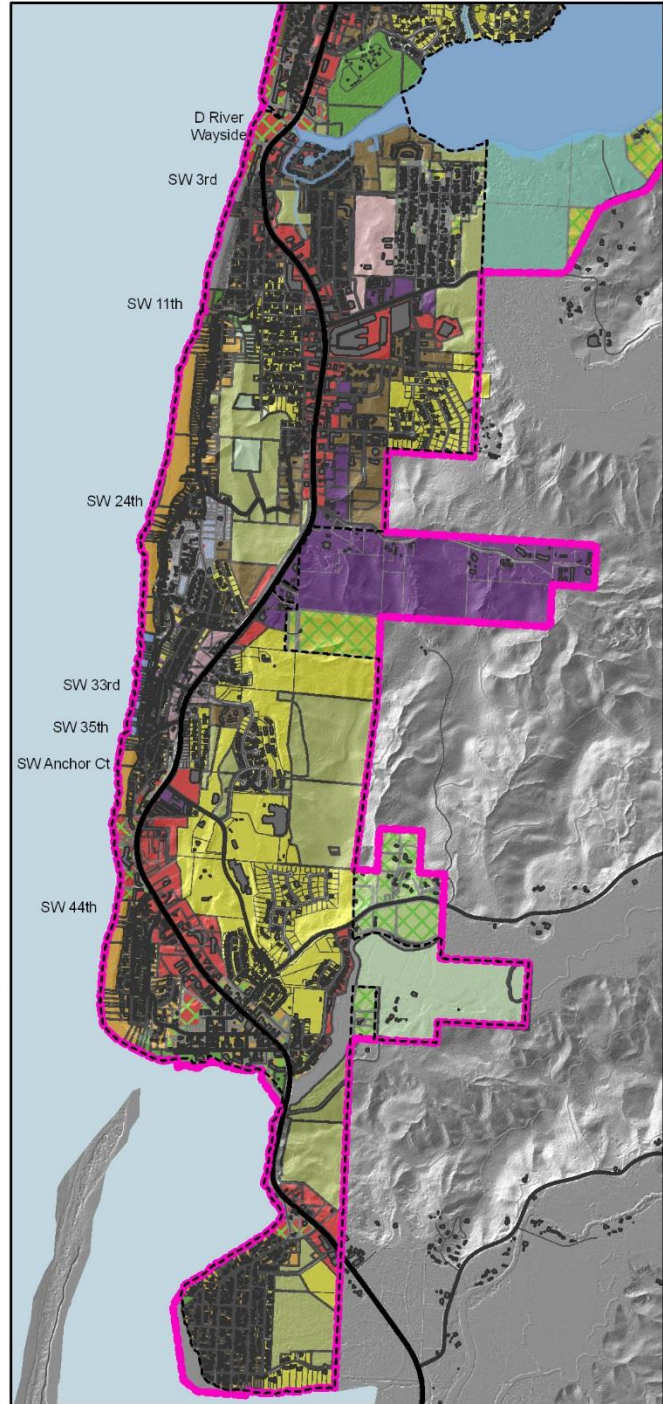
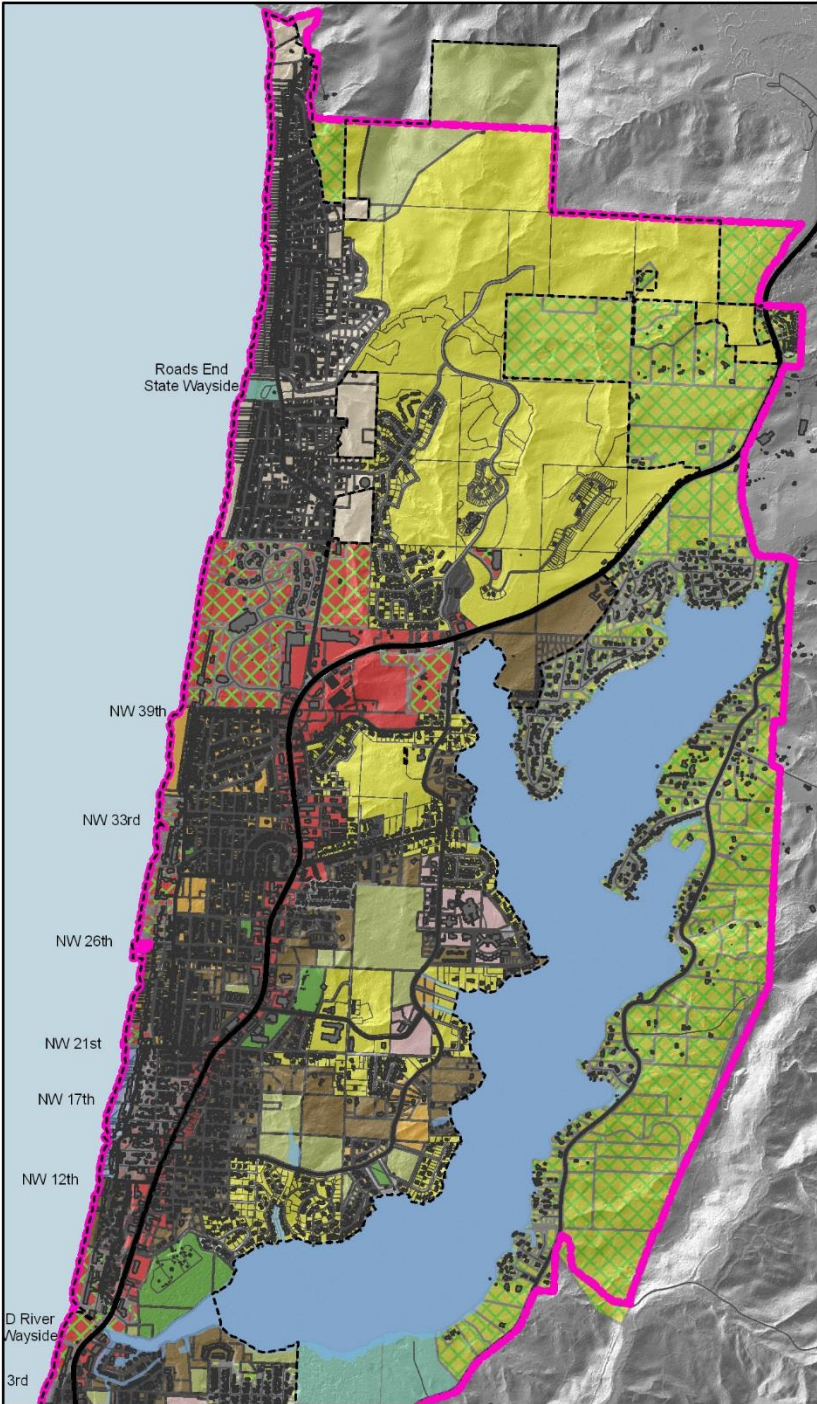
0 0.2 **Packet Pg. 88**

Existing Land Use



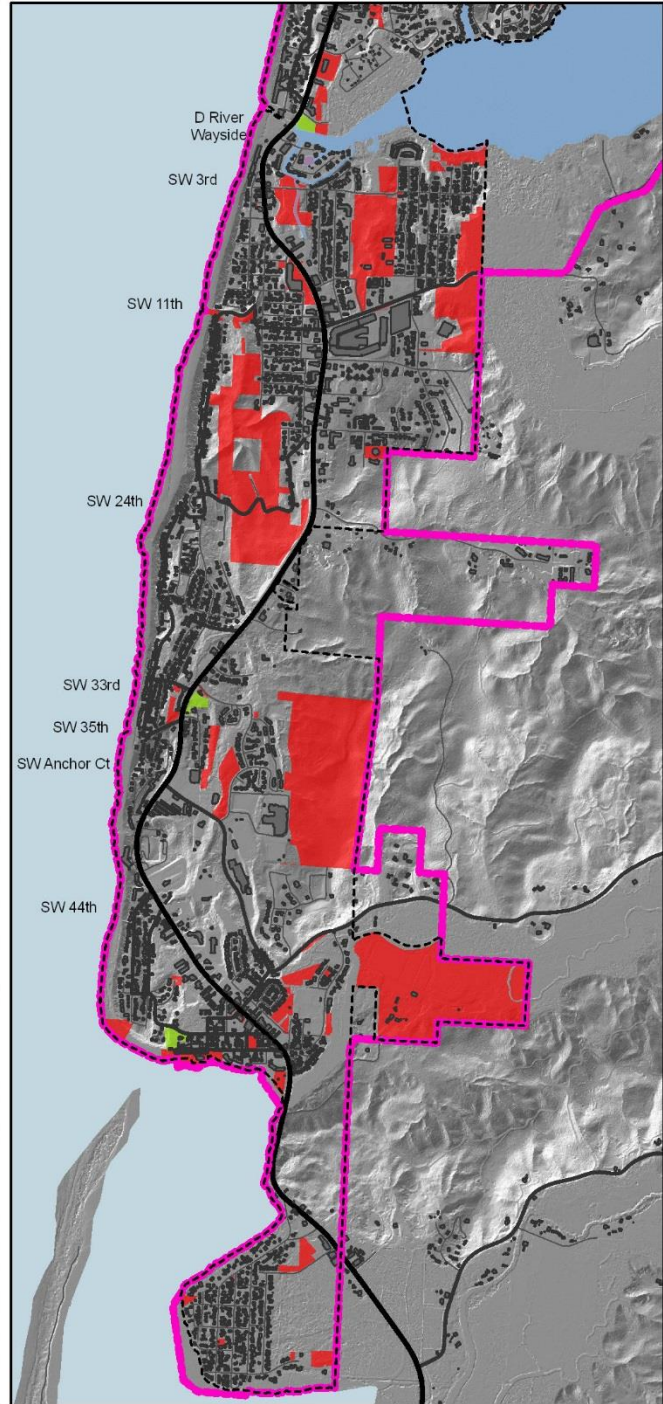
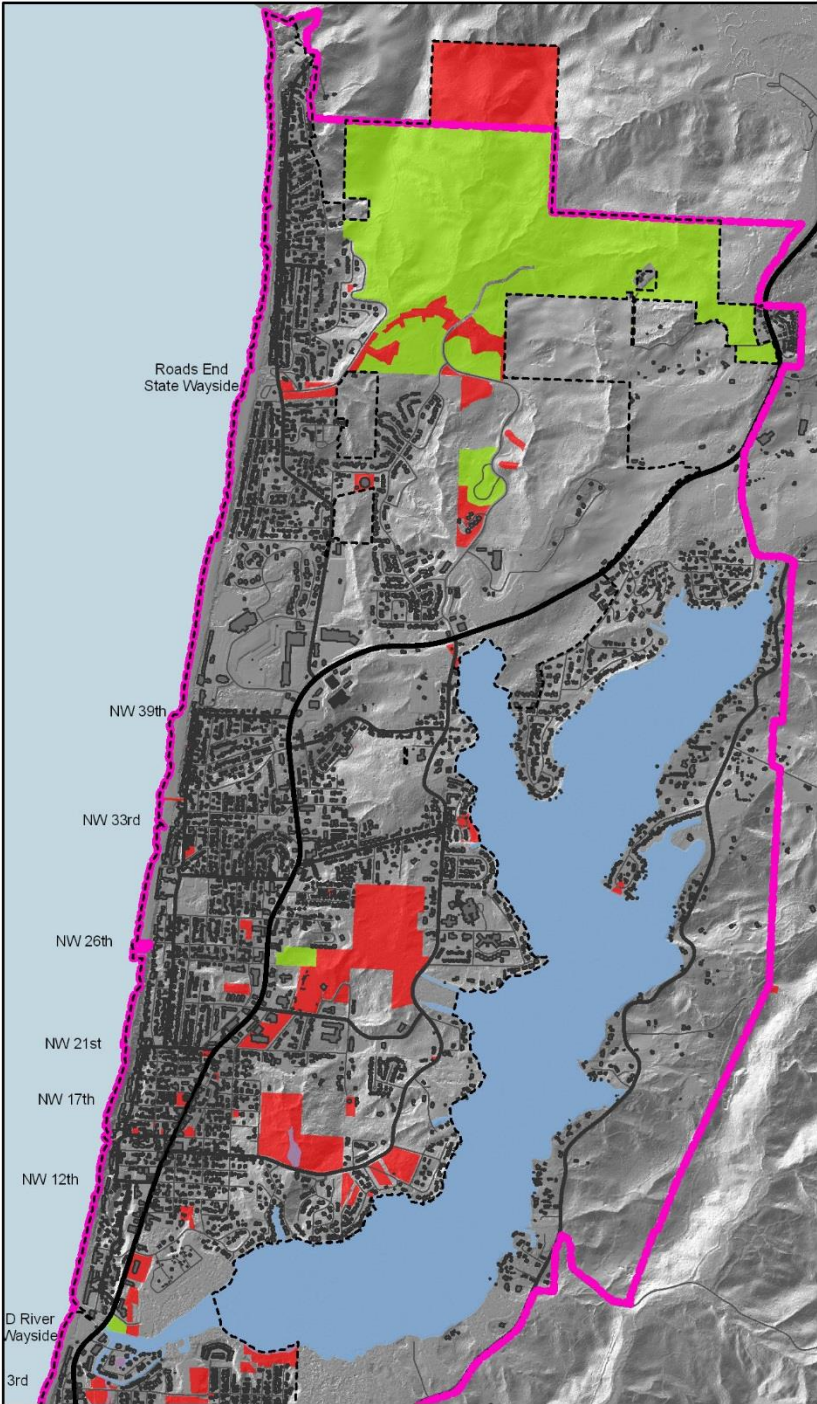
- City Limits
- Urban Growth Boundary
- Building
- Highway 101
- Major Road
- Local Road
- Ocean
- Open Water
- Existing Land Use**
- Retail or Office
- Industrial
- Multi-Family
- Mobile Home
- Residential
- Education
- Open Space
- Public
- Utilities
- Agricultural
- Vacant
- Unknown

Existing Zoning



- City Limits
 - Urban Growth Boundary
 - Building
 - Highway 101
 - Major Road
 - Local Road
 - Ocean
 - Open Water
- City**
- OP-MSH - Main Street Highway
 - G-C - General Commercial
 - NP-NBD - Business District (Nelscott)
 - TVC - Taft Village Core
 - NP-NBMU - Mixed Use (Nelscott)
 - OP-IM - Interior Mixed Use
 - R-C - Commercial Recreation
 - P-C - Professional Campus
 - Cty P-F - Public Facility (County)
 - P-I - Planned Industrial
 - R-M - Multi Family
 - NP-NCR - Cottage Residential (Nelscott)
 - R-1-5 - SF 5,000SqFt+
 - R-1-7.5 SF 7,500SqFt+
 - R-1-10 - SF 10,000SqFt+
 - VR - Vacation Rental
 - R-R - Residential Recreation
 - R-1-A - Residential (County)
 - P - Park
 - OS - Open Space
 - OP-OF - Ocean Front
 - M-W - Marine Water
- County**
- I-P Planned Industrial
 - P-F - Public Facility
 - R-1 - Residential
 - R-1 City - Residential
 - RR-2 - Rural Residential 2 Acres
 - RR-5 - Rural Residential 5 Acres
 - T-C - Timber Conservation
 - CITY - Unknown
 - Water

City Owned



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Open Water

City Owned

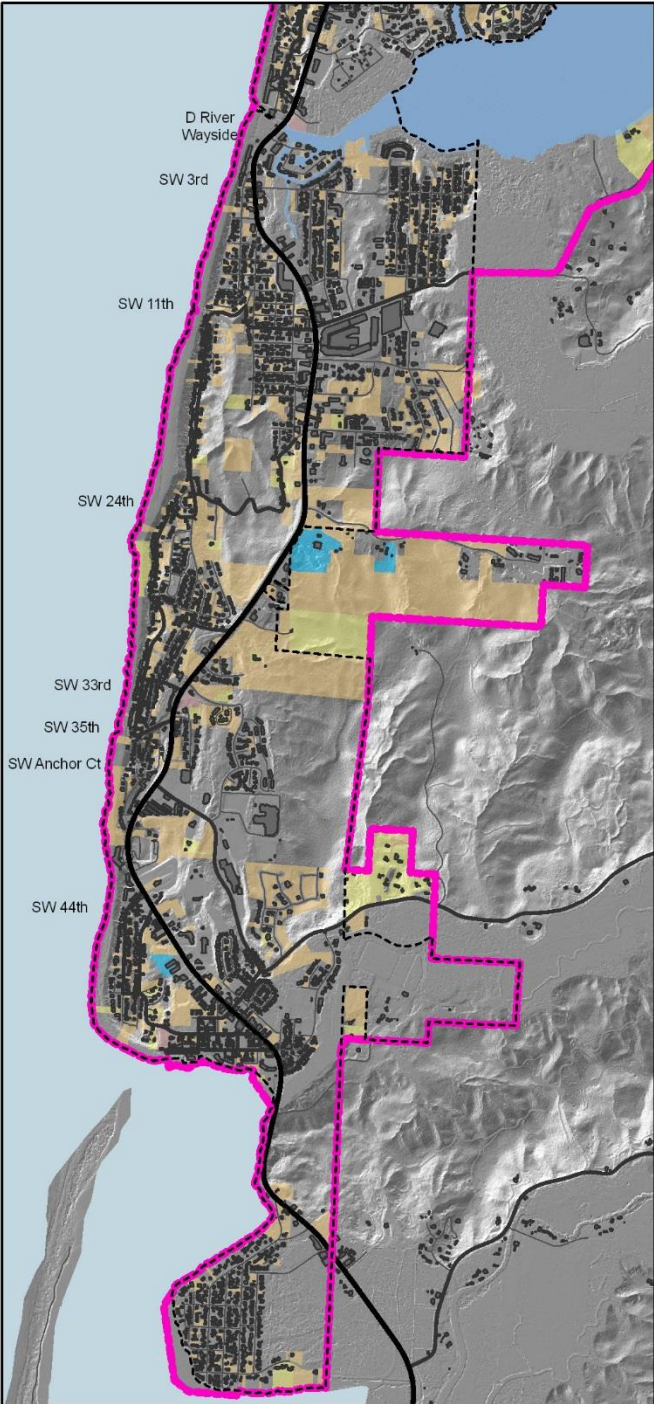
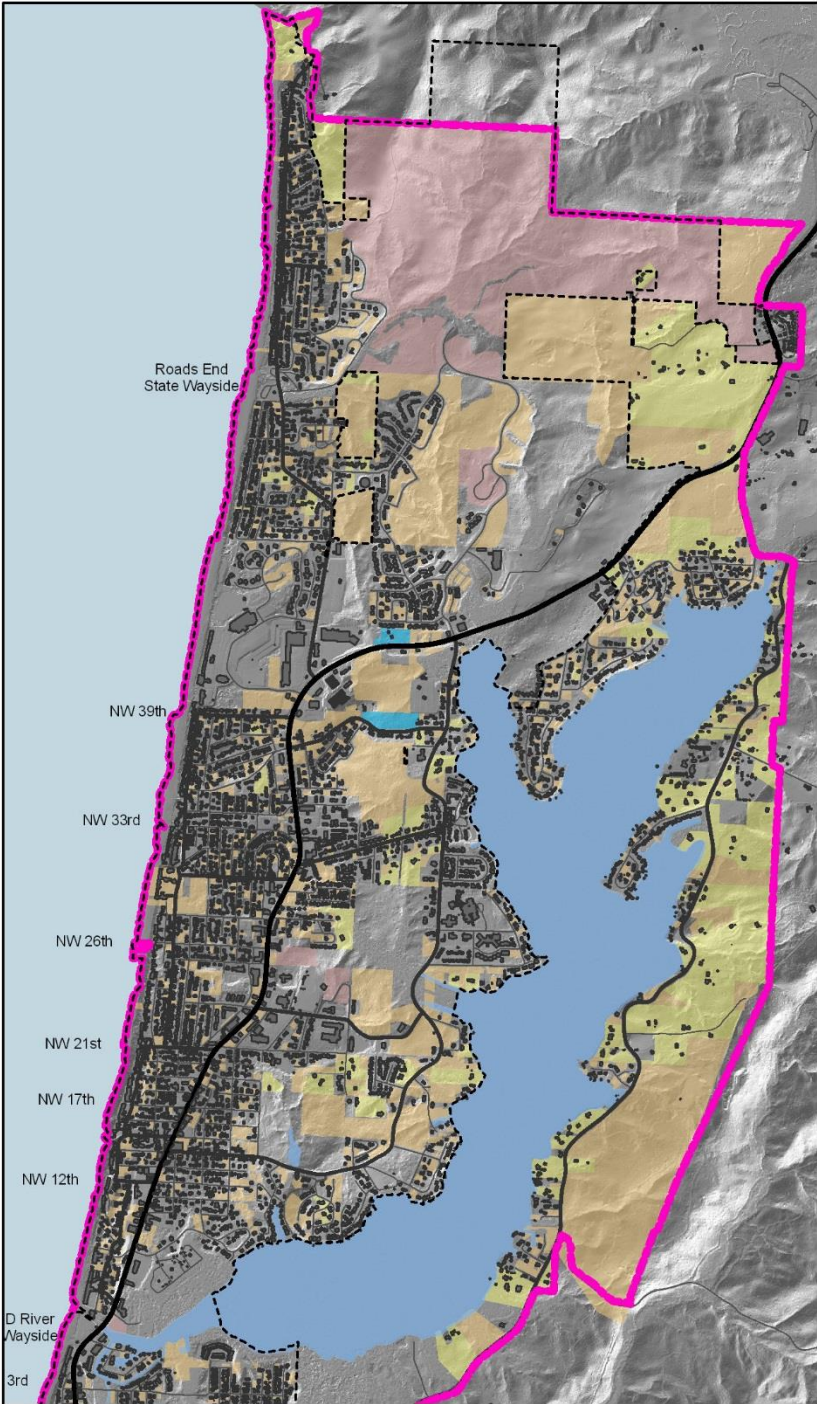
Available for Development?

-  YES
-  NO

0 0.2 **Packet Pg. 91**

Unused Land

2,105 parcels

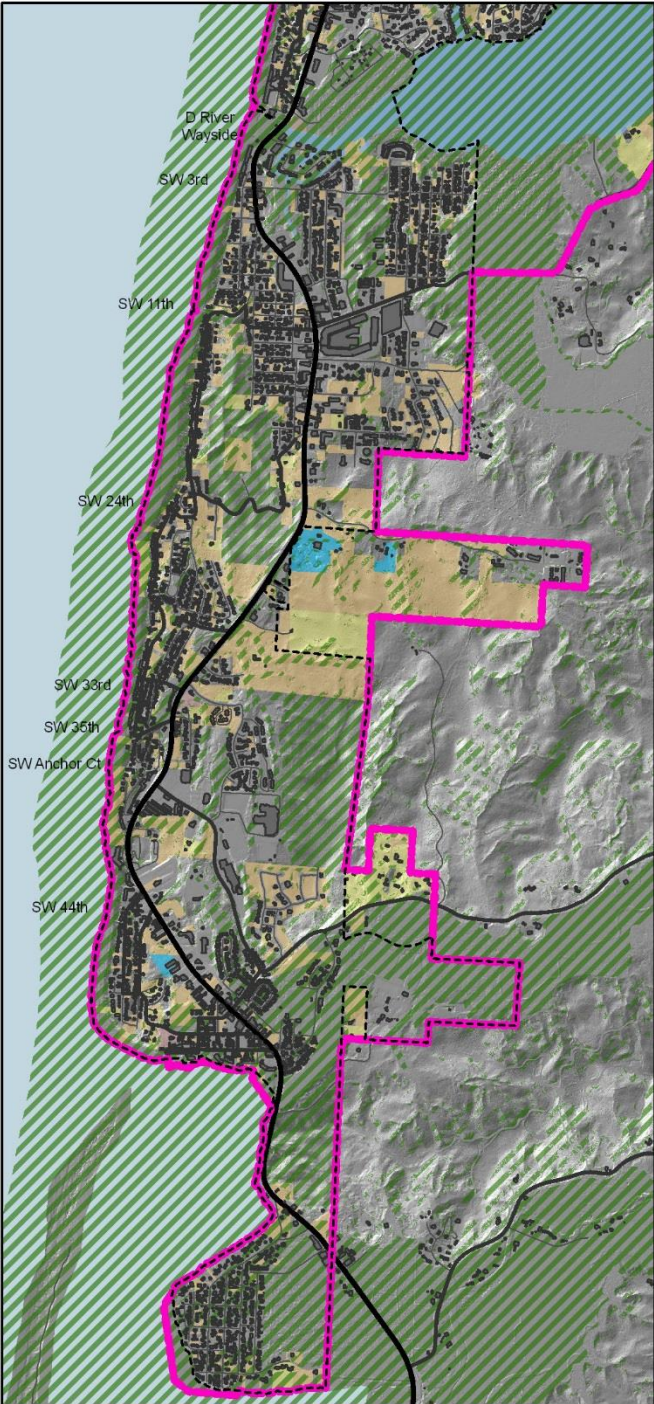
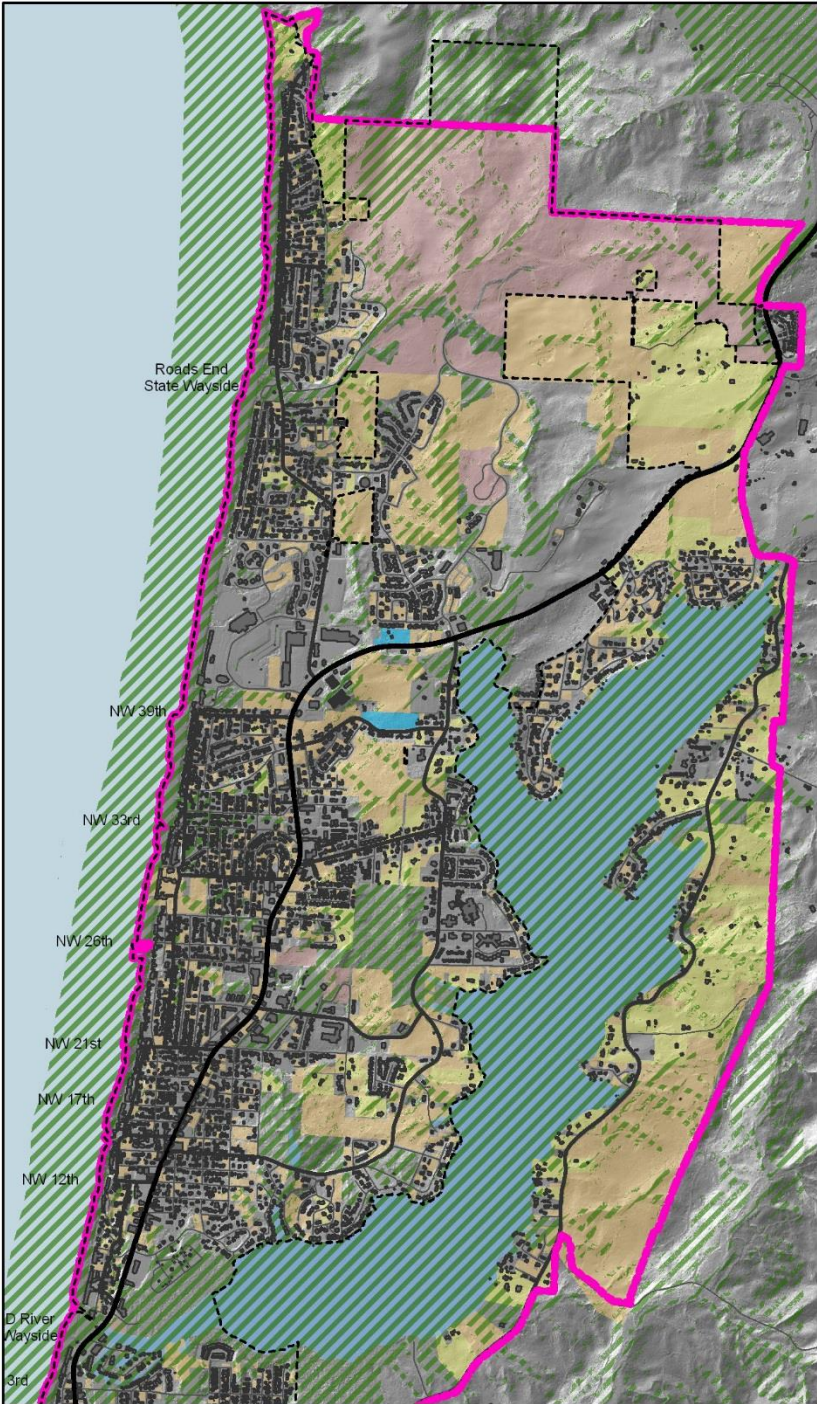


- City Limits
- Urban Growth Boundary
- Building
- Highway 101
- Major Road
- Local Road
- Ocean
- Open Water

- Buildable Land Inventory**
- Available for Development
- Vacant
 - Partially Vacant - Employment
 - Partially Vacant - Residential
 - Public Ownership - Available

Unused Land

1,328 buildable unconstrained acres



- City Limits
- Urban Growth Boundary
- Building
- Highway 101
- Major Road
- Local Road
- Ocean
- Open Water
- Constraints

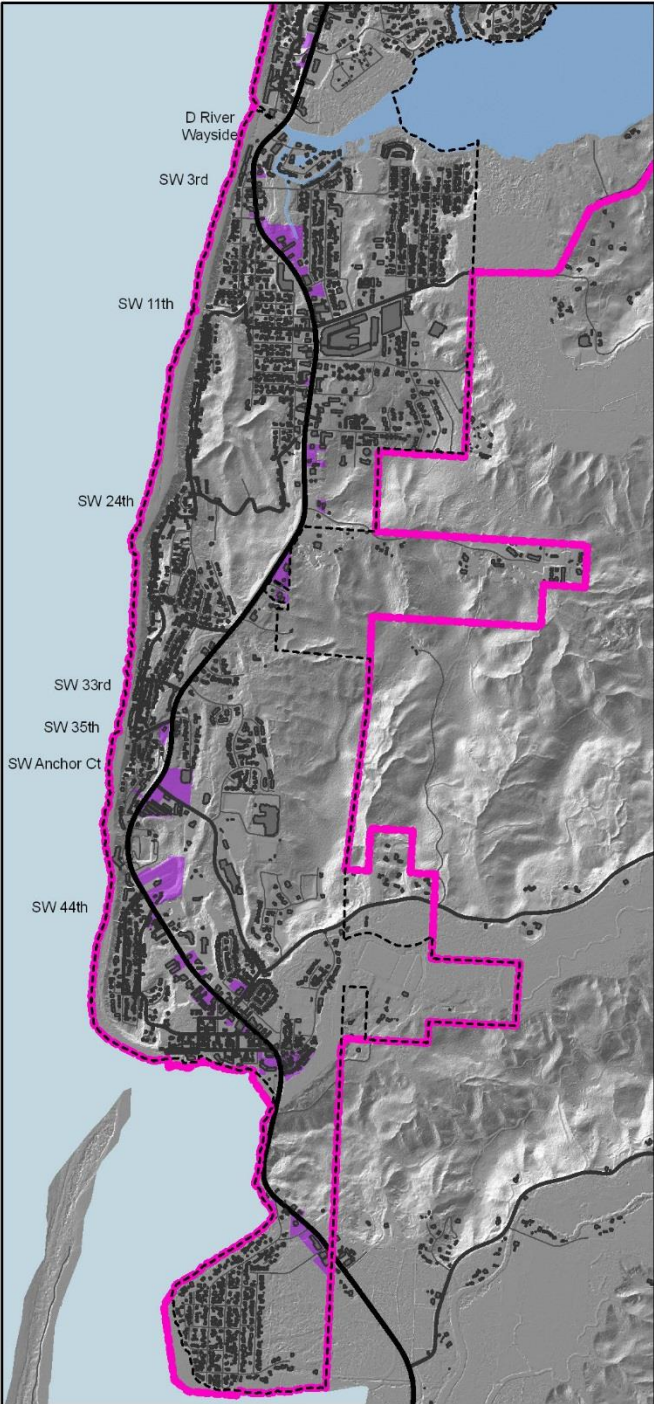
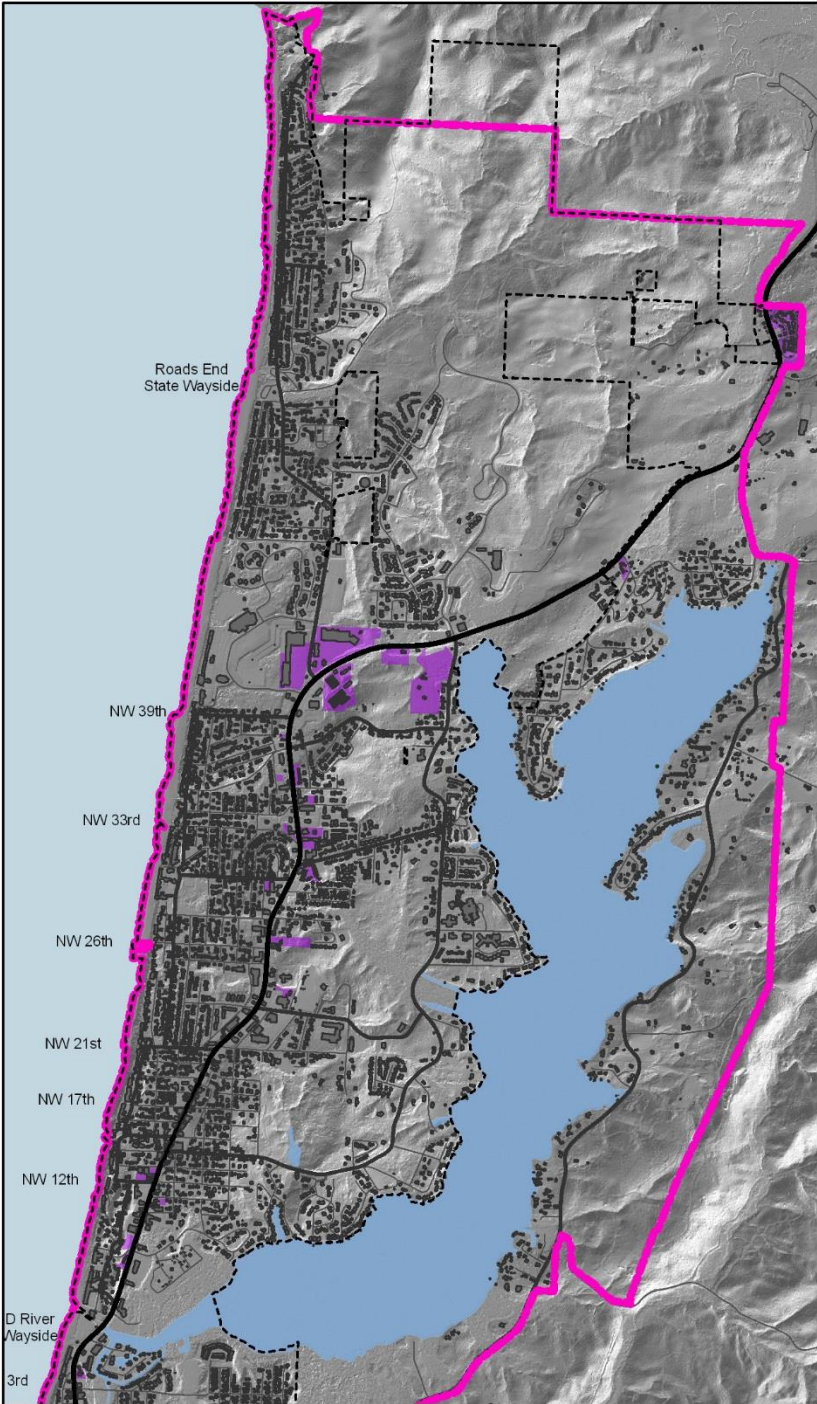
Buildable Land Inventory

Available for Development

- Vacant
- Partially Vacant - Employment
- Partially Vacant - Residential
- Public Ownership - Available

Redevelopment

345 parcels

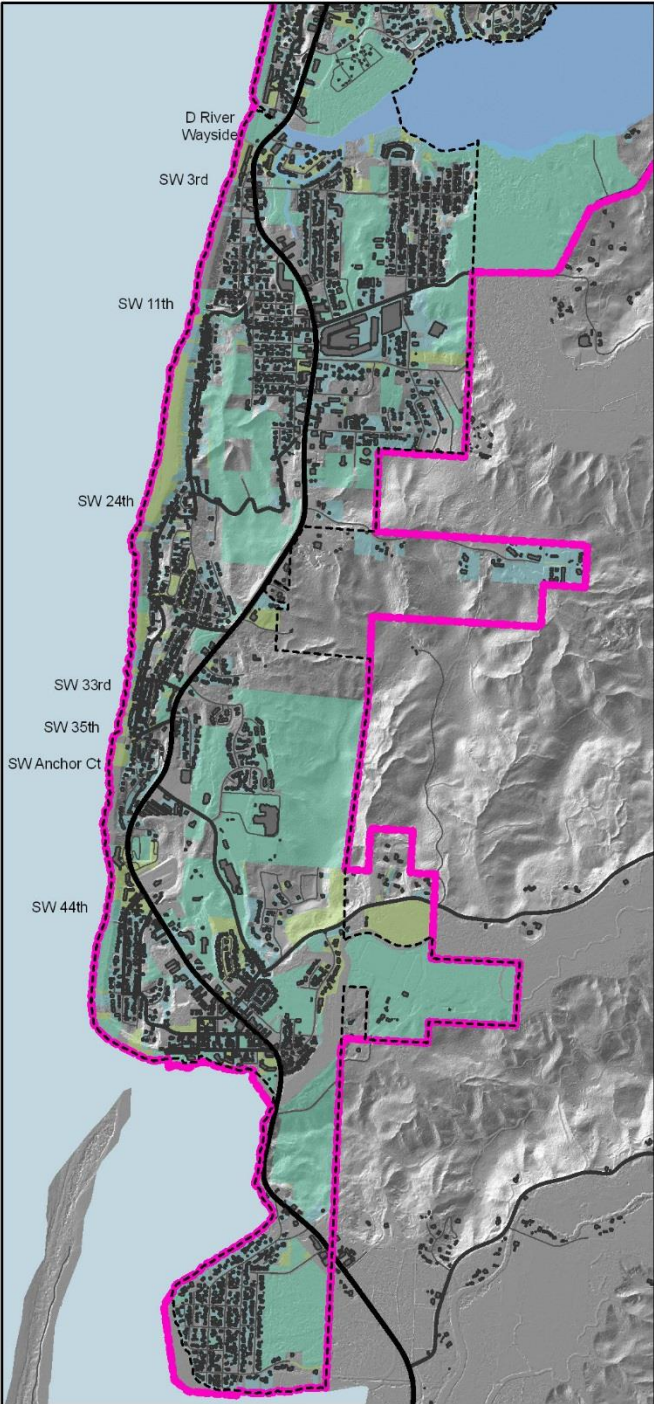
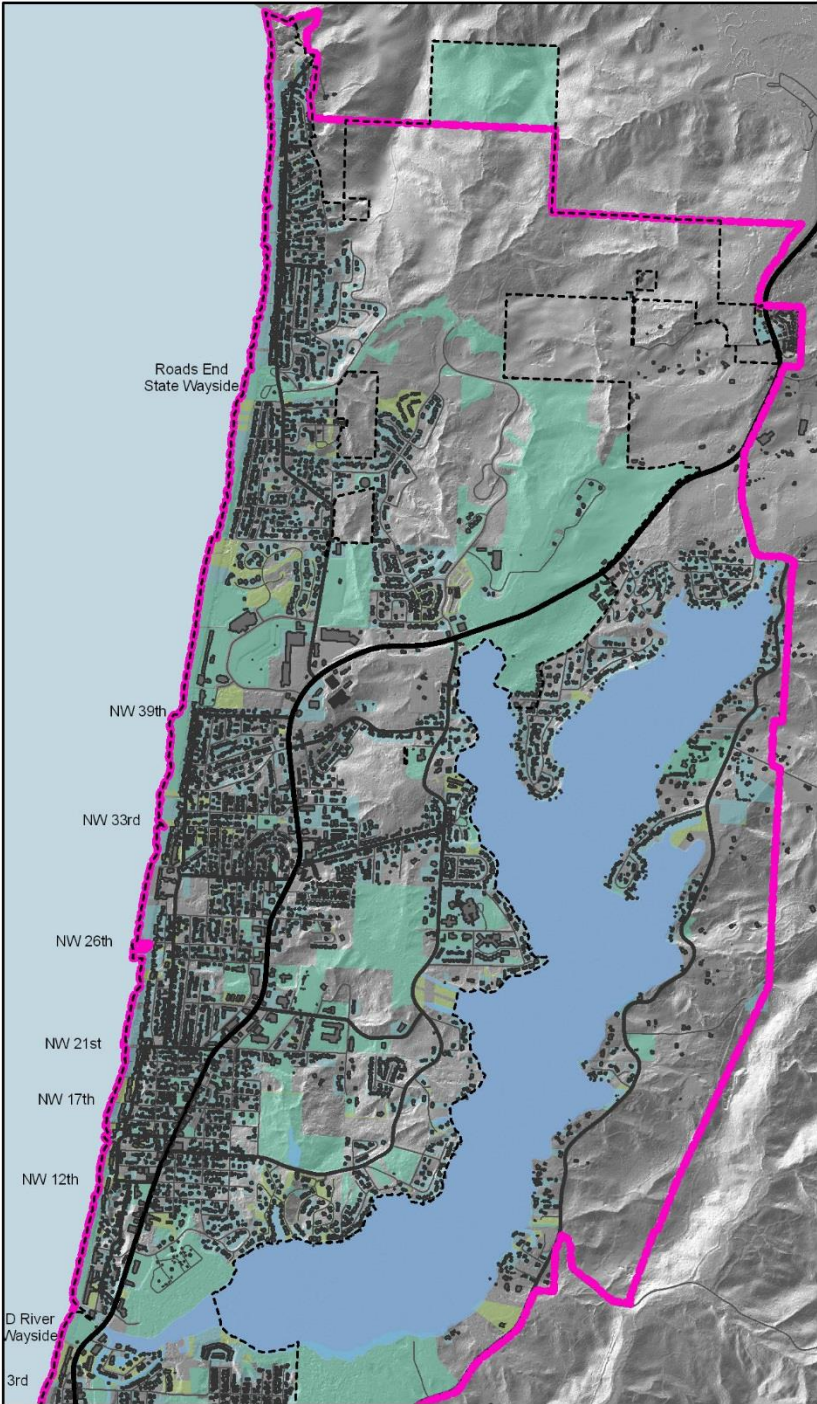


-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Open Water
- Buildable Land Inventory**
- Available for Development
-  Redevelopment Potential

0 0.2 **Packet Pg. 94**

Unavailable for Future Development

7,024 parcels



-  City Limits
-  Urban Growth Boundary
-  Building
-  Highway 101
-  Major Road
-  Local Road
-  Ocean
-  Open Water

Buildable Land Inventory

- Unavailable for Development
-  Developed
-  Public Ownership
-  Undevelopable

0 0.2 **Packet Pg. 95**

BLI	Parcels*	Net Acres
Vacant	1,834	801
Partial Vacant - RES	165	271
Partial Vacant - EMP	5	11
Public Available	101	246
Redevelopable	345	201
Developed	6,014	0
Public Ownership	589	0
Undevelopable	424	0

*might include parcel more than once, because of zoning split

Median Family Income Limits

Revised 3-14-22

County Median Income (HUD, 2021): \$57,400 [In 2018 the HUD figure for County Median Income was \$54,700]

City Median Income (ACS/Census Data; 2021 dollars): \$51,664

Lincoln County 2021	Household Size	MFI								
			1	2	3	4	5	6	7	8
	Very Low Income Limit (Section 8)	50%	22,550	25,800	29,000	32,200	34,800	37,400	39,950	42,550
	Low Income Limit	80%	36,050	41,200	46,350	51,500	55,650	59,750	63,900	68,000
		100%	40,180	45,920	51,660	57,400	61,992	66,584	71,176	75,768
		120%	48,216	55,104	61,992	68,880	74,390	79,901	85,411	90,922

1 person @ 50% MFI: \$22,550/year @ 30% housing costs = \$6,765 / 12 = \$564 monthly housing cost:
 4 persons @ 50% MFI: \$32,200/year @ 30% housing costs = \$9,660 / 12 = \$805 monthly housing cost:
 8 persons @ 50% MFI: \$42,550/year @ 30% housing costs = \$12,765 / 12 = \$1,064 monthly housing cost:
 1 person @ 100% MFI: \$40,180/year @ 30% housing costs = \$12,054 / 12 = \$1,005 monthly housing cost:
 4 persons @ 100% MFI: \$57,400/year @ 30% housing costs = \$17,220 / 12 = \$1,435 monthly housing cost:
 8 persons @ 100% MFI: \$75,768/year @ 30% housing costs = \$22,730 / 12 = \$1,894 monthly housing cost:
 1 person @ 120% MFI: \$48,216/year @ 30% housing costs = \$14,465 / 12 = \$1,205 monthly housing cost:
 4 persons @ 120% MFI: \$68,880/year @ 30% housing costs = \$20,664 / 12 = \$1,722 monthly housing cost:
 8 persons @ 120% MFI: \$90,922/year @ 30% housing costs = \$27,277 / 12 = \$2,273 monthly housing cost:

Lincoln City 2021	Household Size	MFI								
			1	2	3	4	5	6	7	8
	Very Low Income Limit (Section 8)	50%	18,082	20,666	23,249	25,832	27,899	29,965	32,032	34,098
	Low Income Limit	80%	28,932	33,065	37,198	41,331	44,637	47,944	51,250	54,557
		100%	36,165	41,331	46,498	51,664	55,797	59,930	64,063	68,196
		120%	43,398	49,598	55,797	61,997	66,957	71,917	76,876	81,836

1 person @ 50% MFI: \$18,082/year @ 30% housing costs = \$5,425 / 12 = \$452 monthly housing cost:
 4 persons @ 50% MFI: \$25,832/year @ 30% housing costs = \$13,750 / 12 = \$1,146 monthly housing cost:
 8 persons @ 50% MFI: \$34,098/year @ 30% housing costs = \$10,229 / 12 = \$852 monthly housing cost:
 1 person @ 100% MFI: \$36,165/year @ 30% housing costs = \$10,850 / 12 = \$904 monthly housing cost:
 4 persons @ 100% MFI: \$51,664/year @ 30% housing costs = \$15,499 / 12 = \$1,292 monthly housing cost:
 8 persons @ 100% MFI: \$68,196/year @ 30% housing costs = \$20,459 / 12 = \$1,705 monthly housing cost:
 1 person @ 120% MFI: \$43,398/year @ 30% housing costs = \$13,019 / 12 = \$1,085 monthly housing cost:
 4 persons @ 120% MFI: \$61,997/year @ 30% housing costs = \$18,599 / 12 = \$1,550 monthly housing cost:
 8 persons @ 120% MFI: \$81,836/year @ 30% housing costs = \$24,551 / 12 = \$2,046 monthly housing cost:

2015 Average Salary Ranges

Lincoln County School District	\$21,000 (Pre-School) - \$62,000 (High School)
Samaritan North Lincoln Hospital	\$36,000
Lincoln County Service Industry	\$13,433 - \$17,226

Planning Staff Report

CPA & ZC 2022-01 Purvine

Meeting Date:	March 28, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the City Council conduct a public hearing on CPA & ZC 2022-01, a map amendment and zone change from R-M to R-1-7.5?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

- A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.
- B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.
- C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.
- D. Application Requirements. Type III applications shall:
 1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.

E. Notice of Public Hearing.

1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.
2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.

H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.

I. Notice of Decision. Following the decision, a final order shall be prepared by the department.

J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See the staff report for CPA ZC 2022-01

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 map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Possible Motions

- Staff is directed to prepare an Ordinance approving the requested map and zone change in CPA 2022-01 and ZC 2022-01 for adoption at a future meeting.
[Approve CPA 2022-01 - the requested comprehensive plan map amendment from High Density Residential District to Medium Density Residential District.]
[Approve ZC 2022-01 - the requested zone change from the R-M zone to the R-1-7.5 zone].
- Motion to deny CPA 2022-01 and deny the requested comprehensive plan map amendment from High Density Residential District to Medium Density Residential District. Motion to deny ZC 2022-01 and deny the requested zone change from the R-M zone to the R-1-7.5 zone. Staff is directed to prepare a Final order denying the requested map and zone change in CPA 2022-01 and ZC 2022-01 for adoption at a future meeting.

Attachments:

CPA ZC 2022-01 City Council Staff Report (PDF)
Application CPA ZC 2022-01 (PDF)
Comments Combined (PDF)
LAKESIDE_HEIGHTS (PDF)
CPA ZC 2022-01 Zoning (BMP)
CPA ZC 2022-01 County Zoning (PNG)

Comprehensive Plan Map Amendment Zone Change Staff Report for City Council Public Hearing Case File CPA ZC 2022-01 Purvine

Date:	March 10, 2022
Case File:	CPA ZC 2022-01 Purvine
Property Owner:	John K. Broomall, Trustee, and Karla J. Broomall, Trustee PO Box 125 Corbett, OR 97019
Property Owner:	Gary H. Purvine PO Box 125 Corbett, OR 97019
Situs Address:	3508 NE 40 th Ct
Location:	South side of NE 40 th Ct, approximately 120 feet west of NE 40 th Ct/NE Johns Ave intersection
Tax Map and Lot:	07-11-02-AC-00800-00
Comprehensive Plan Designation:	High-Density Residential District (R-M)
Zoning District:	Multiple-Unit Residential (R-M) Zone
Site Size:	11,131 square feet
Proposal:	Comprehensive Plan Map Amendment from High-Density Residential District to Medium-Density Residential District and Zone Change from R-M to R-1-7.5
Surrounding Land Uses and Zones:	North: Dwellings; R-M South: Dwellings; Lincoln County's R-1 (Residential) East: Dwellings; R-M, Lincoln County's R-1 (Residential) West: House and then Devils Lake; R-M
Authority:	Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.
Procedure:	The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on February 8, 2022. The <i>News Guard</i> published the public hearing notice on February 15, 2022, and February 22, 2022.



Applicable Substantive Criteria: Oregon Statewide Planning Goals
Lincoln City Comprehensive Plan
LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is addressed as 6604 NE Logan Rd and is undeveloped. The site is Lot 2 of Lakeside Heights. Lakeside Heights is an 8-lot subdivision that was recorded on November 15, 1994. Staff's review of the project file for the Lakeside Heights project shows that the lots were developed for the future construction of detached single-family dwellings. Excepting the site and one other lot, the entire subdivision is developed with dwellings. Lots 3, 6, 7, and 8 contain detached single-family dwellings. Lots 1 and 5 each contain a triplex. The area north of Lakeside Heights is undeveloped and is owned by the Confederated Tribe of Siletz Indians of Oregon. To the west of Lakeside Heights is Devils Lake. The area south of Lakeside Heights is in unincorporated Lincoln County and is developed with detached single-family dwellings in Lincoln County's R-1 zone. The area east of Lakeside Heights is also in unincorporated Lincoln County and is developed with detached single-family dwellings in Lincoln County's R-1 zone.

The site does not contain any natural resources overlays, nor is it in the flood hazard area. The site does not contain any bluff erosion hazards, designated trails, or aesthetic resources. The site is served by NE 40th Ct, which is an improved public street.

The property owners wish to have the flexibility of housing options provided by the R-1-7.5 zone (specifically a detached single-family dwelling with an accessory dwelling unit or a four-flat dwelling) rather than the site's current R-M zone (which does not allow the same types of housing as the R-1-7.5 zone), and thus the request for the comprehensive plan map amendment and zone change.

Planning Commission held a public hearing on March 1, 2022. The Commission recommended approval of the comprehensive plan map amendment and zone change. The Final Recommendation was adopted by the Planning Commission at the March 15, 2022 meeting.

COMMENTS

On February 16, 2022, Christine and Harold Washington provided a letter via email stating that they would welcome a zone change and feel that "a multi-family dwelling would negatively affect the mostly single family dwellings in the neighborhood."

On February 12, 2022, Norman and Barbara LaFaunce provided the following emailed comment: "We have no objection to the rezoning of the property at 3805 NE Court. We are building a house at 3572 NE 38th st. Our daughter, Alexa LaFaunce, lives on the parcel adjoining the lot to be rezoned (to the south) at 3565 NE 38th street [sic]. She also is in favor of the rezoning."

On January 31, 2022, Urban Renewal emailed that they have no comments.

On January 28, 2022, North Lincoln Fire & Rescue emailed that they have no comments.

On January 28, 2022, Oregon Department of State Lands emailed that the site has no mapped statewide wetlands inventory features, to check the Lincoln City local wetlands inventory, and if none then no comment.

On January 28, 2022, Public Works emailed that they have no comments and that city utility service is adequate for either zoning.

On January 27, 2022, North Lincoln Sanitary emailed that they have no comment.

ANALYSIS

A. Lincoln City Comprehensive Plan

1. Land Use Planning Goal

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

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The Land Conservation and Development Commission acknowledged the City of Lincoln City’s Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

The Comprehensive Plan Land Use Planning element identifies zoning as the most common method of land use regulation and control. The plan states:

“Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development.”

The proposed map amendment and zone change would convert the platted 11,131-square-foot lot from the Multiple-Unit Residential zone to the Single-Family Residential zone. The proposed map amendment and zone change does not introduce a new zone to the area, as the areas to the south and east of the site are all in Lincoln County’s single-family residential zone. Both zones allow housing. Staff finds the proposal is consistent with Goal 1.

2. Citizen Involvement Goal

“Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.”

The Comprehensive Plan’s Citizen Involvement Program goal is to “develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.” The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Plan, Goal, and Resolution.

Among the policies under the City’s Citizen Involvement Program goal is one that states: “Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings.” The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, published in *The News Guard*, and posted on the City’s website. The City holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the City’s website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

“To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.”

Public services and utilities are already in place in the area of the proposed map amendment and zone change. Available public services and utilities are as follows:

- a. Pacific Power provides electric power;
- b. The City of Lincoln City provides water service;
- c. The City of Lincoln City provides sanitary sewer service;
- d. Various providers provide land line and cellular telephone service;
- e. Access is from NE 40th Ct, which is an improved public street.

Existing services and utilities generally satisfy Goal 3.

4. Urbanization Goal

“To promote an orderly and efficient transition of land uses from rural to urban.”

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the City limits and is already developed as urban. The proposed amendment and zone change will not change the already-existing urban development or prevent more urban development, so is consistent with this goal.

5. Natural Hazard Goal

“The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.”

The City’s maps show no identified natural hazards on the site. The proposal is consistent with Goal 5.

6. Housing Goal

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

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-family dwellings, cottage housing developments, duplex dwellings, multi-unit dwellings, residential homes, and tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only

permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn't allow a detached single-family dwelling and the R-1-7.5 zone doesn't allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in the R-1-7.5 zone or a tiny house development in the R-M zone. Staff finds the proposal is consistent with Goal 6.

7. Economy Goal

“To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.”

The Comprehensive Plan states that the City's primary industry is tourism and concludes that tourism will continue to function as the City's basic industry. The request to change from one residential zone to another residential zone has no bearing on the tourist industry. Staff finds this goal is not applicable to the request.

8. Aesthetic Goal

“To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area.”

Landscaping standards and design standards apply to both the R-M zone and the R-1 zone. The fulfillment of the landscaping and design standards, when the site is developed, will satisfy LCMC Title 17, which also satisfies this goal. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

“To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.”

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. This goal is satisfied.

10. Energy Goal

“To conserve energy.”

This lot is close to other destinations and services. New construction must meet all energy and building codes. The goal, therefore, is satisfied.

11. Overall Environmental Goal

“To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city.”

The city's inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas show none are on this lot. New construction on this lot will not impact the natural environment of the city. This goal is satisfied.

12. Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal

“To conserve, protect, and enhance the coastal resources of the city.”

The site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than 2 miles from the Pacific Ocean. Rezoning of the site will not have any impact on the city’s coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. 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.”

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the City’s website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The City published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the City’s website in advance of the meeting. The request 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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

The proposed rezoning is integrated and consistent with the planning process and policy framework; specifically, the request furthers compliance with existing policies to stabilize and protect the existing (almost completely detached single-family dwellings) residential neighborhood from incompatible uses. Findings concerning the Planning goal for the Lincoln City Comprehensive Plan are incorporated herein by this reference. The request is consistent with Goal 2.

Goal 3 – “Agricultural Lands” “To preserve and maintain agricultural lands.”

The area affected by the proposed rezoning is within the City’s Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, 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 rezoning is within the City's Urban Growth Boundary and currently zoned and developed for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – “Open Spaces, Scenic and Historic Areas and Natural Resources” “To protect natural resources and conserve scenic and historic areas and open spaces.”

The area affected by the proposed rezoning does not include any areas zoned Open Space or Park. The site does not contain any structures, nor is the site listed on the National Register of Historic Places. The findings concerning the Lincoln City Comprehensive Plan's Overall Environmental goal, as well as the Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal, are incorporated herein by this reference. The proposal 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.”

Current building and public works standards for new development require protection of these resources. Accordingly, when a building permit application is submitted for new construction on the site, the plans will be reviewed for compliance with requirements for maintaining the quality of the air, water, and land resources of the state. City standards for discharges regulate solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The findings concerning the Lincoln City Comprehensive Plan's overall Environmental goal are incorporated herein by this reference. The proposed request is consistent with Goal 6.

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

City maps show no identified hazards on the site. The findings concerning the Lincoln City Comprehensive Plan Natural Hazard goal are incorporated herein by this reference. The proposal 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 area affected by the proposed rezoning does not contain any open space or park areas, nor does it contain any areas designated for open space or parks in the City's master plans. The proposal is consistent with Goal 8.

Goal 9 – “Economic Development” “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

The area affected by the proposed rezoning is within the City's Urban Growth Boundary and currently zoned and developed for housing development. The affected area does not contain any economic development lands. The proposed rezoning is consistent with Goal 9.

Goal 10 – “Housing” “To provide for the housing needs of citizens of the state.”

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone

allows attached single-family dwellings, cottage housing developments, duplex dwellings, multi-unit dwellings, residential homes, and tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn't allow a detached single-family dwelling and the R-1-7.5 zone doesn't allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in the R-1-7.5 zone or a tiny house development in the R-M zone. The findings that address the City's Housing goal are incorporated herein by this reference. Staff considers the proposal 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.”

Utilities and services are available at the site. The findings concerning the City's Public Services and Utilities goal are incorporated herein by this reference. The request is consistent with Goal 11.

Goal 12 – “Transportation” “To provide and encourage a safe, convenient and economic transportation system.”

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. The findings concerning the City's Transportation goal are incorporated herein by this reference. The request is consistent with Goal 12.

Goal 13 – “Energy Conservation” “To conserve energy.”

Any construction on the site must meet the current building and energy codes. The proposed rezoning will not impact the requirements to meet current building and energy codes. The findings concerning the City's Energy goal are incorporated herein by this reference. The request is consistent with Goal 13.

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 area affected by the proposed rezoning is within the City's Urban Growth Boundary and currently zoned for urban housing development. The proposal does not the City's Urban Growth Boundary, nor does it change that the site will be zoned for urban housing development. The findings concerning the City's Land Use goal, Housing goal, and Urbanization goal are incorporated herein by this reference. The proposed amendment and zone change are consistent with Goal 14.

Goal 15 – “Willamette 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 site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, 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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the City’s Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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.”

The proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the City’s Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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.”

Since the area of the proposed amendment and zone change is on the dry land area of the City, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the City’s Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Single-Family Residential (R-1-7.5) zone criteria

LCMC Section 17.16.020 lists the type of uses permitted within the zone, including:

- Single-family dwellings
- Attached single-family dwelling, if attached to no more than one other single-family dwelling
- Two-family and duplex dwellings
- Cottage housing developments
- Manufactured homes
- Residential homes
- Four-flat dwellings

LCMC 17.16.030 provides accessory uses of guest houses, home occupations, and accessory dwelling units.

Any new development or construction must meet the requirements of the R-1 zone and other regulations referenced by the zone, including among others, those pertaining to landscaping and off-street parking.

The R-1-7.5 zone has a minimum lot size requirement of 7,500 square feet. The site contains 11,131 square feet. The R-1-7.5 zone has a minimum lot width requirement of 70 feet and a minimum lot depth requirement of 80 feet. The site is 127 feet wide and 101 feet deep. The R-1-7.5 zone has a minimum front, side, street side, and rear setback requirement of 5 feet for single-story structures and 7.5 feet for multi-story structures. Building height may be up to 35 feet. Maximum building coverage is 35% of the site. The site meets the lot size and dimension requirements. Compliance with setback, height, and building coverage requirements is reviewed during the building permitting process.

RECOMMENDATION

Based upon the findings in this report, and the recommendation of approval from the Planning Commission, staff recommends approval of the application.

From: [BROWN Jevra * DSL](#)
To: [Anne Marie Skinner](#)
Subject: RE: Rezone request
Date: Friday, January 28, 2022 1:12:55 PM
Attachments: [image001.png](#)

Hi Anne Marie,

07S 11W 02AC #800 has no mapped SWI features...check the Lincoln City LWI – if no LWI mapped features, then no comment.

Jevra Brown, Aquatic Resource Planner
 Department of State Lands
 Cell 503-580-3172
NOTE NEW EMAIL ADDRESS: Jevra.Brown@DSL.Oregon.gov

Checking for wetlands and waters? – Use the [STATEWIDE WETLANDS INVENTORY](#)

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

From: Anne Marie Skinner <askinner@lincolncity.org>
Sent: Thursday, January 27, 2022 5:16 PM
To: Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; NELSON Scott <Scott.NELSON@odot.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; TAYLOR Clara * DSL <Clara.TAYLOR@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; LINER Duane J <Duane.J.LINER@odot.oregon.gov>; Frederick Ulrich (fulrich@nlfr.org) <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil; Lon French (lfrench@northlincolnsanitary.com) <lfrench@northlincolnsanitary.com>; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us; UNITIS Matthew * DSL <Matthew.UNITIS@dsl.oregon.gov>
Subject: Rezone request

Hello,

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No response will indicate no comment.

Thank you,
 Anne Marie

From: [Frederick Ulrich](#)
To: [Lon French](#); [Anne Marie Skinner](#); [Stephanie Reid](#); [Daniel Wentz](#); [Brian.S.NELSON](#) ([Brian.S.NELSON@odot.state.or.us](#)); [BROWN Jevra * DSL](#) ([Jevra.BROWN@dsl.oregon.gov](#)); [Clara Taylor](#) ([clara.taylor@dsl.oregon.gov](#)); [Department Heads](#) ([Department_Heads@lincolncity.org](#)); [Devlis Lake Water Improvement District](#) ([lake.manager@dlwid.org](#)); [director.nlchm](#) ([director.nlchm@gmail.com](#)); [duane.j.liner](#) ([duane.j.liner@odot.state.or.us](#)); [Joshua.Lee](#) ([Joshua.Lee@PacifiCorp.com](#)); [Katharine.A.Mott2@usace.army.mil](#); [Onno Husing](#) ([ohusing@co.lincoln.or.us](#)); [pamelal](#) ([pamelal@ctsi.nsn.us](#)); [PHIPPS Lisa * DLCD](#) ([Lisa.PHIPPS@dlcd.oregon.gov](#)); [Sarah.Hibbs](#) ([Sarah.Hibbs@lincoln.k12.or.us](#)); [Schurter, Andrew](#) ([Andrew.Schurter@nwnatural.com](#)); [surveys@co.lincoln.or.us](#); [UNITIS Matthew * DSL](#) ([Matthew.UNITIS@dsl.oregon.gov](#))
Subject: RE: Rezone request
Date: Friday, January 28, 2022 9:06:17 AM
Attachments: [image002.png](#)
[image003.png](#)

No comments from NLFR.



Frederick (Ed) Ulrich
Fire Marshal

North Lincoln Fire & Rescue
District #1

Phone: 541-996-2233
 Cell: 541-921-9024
 Fax: 541-996-5344
 Email: fulrich@nlfr.org

Bob Everest Station 1400
 PO Box 200
 2525 NW Highway 101
 Lincoln City, OR 97367

From: Lon French <lfrench@northlincolnsanitary.com>

Sent: Thursday, January 27, 2022 6:10 PM

To: [Anne Marie Skinner](mailto:askinner@lincolncity.org); [Stephanie Reid](mailto:sreid@lincolncity.org); [Daniel Wentz](mailto:dwentz@lincolncity.org); [Brian.S.NELSON](mailto:Brian.S.NELSON@odot.state.or.us) (Brian.S.NELSON@odot.state.or.us); [BROWN Jevra * DSL](mailto:Jevra.BROWN@dsl.oregon.gov) (Jevra.BROWN@dsl.oregon.gov); [Clara Taylor](mailto:clara.taylor@dsl.oregon.gov) (clara.taylor@dsl.oregon.gov); [Department Heads](mailto:Department_Heads@lincolncity.org) (Department_Heads@lincolncity.org); [Devlis Lake Water Improvement District](mailto:lake.manager@dlwid.org) (lake.manager@dlwid.org); [director.nlchm](mailto:director.nlchm@gmail.com) (director.nlchm@gmail.com); [duane.j.liner](mailto:duane.j.liner@odot.state.or.us) (duane.j.liner@odot.state.or.us); [Frederick Ulrich](mailto:fulrich@nlfr.org) (fulrich@nlfr.org); [Joshua.Lee](mailto:Joshua.Lee@PacifiCorp.com) (Joshua.Lee@PacifiCorp.com); Katharine.A.Mott2@usace.army.mil; [Onno Husing](mailto:ohusing@co.lincoln.or.us) (ohusing@co.lincoln.or.us); [pamelal](mailto:pamelal@ctsi.nsn.us) (pamelal@ctsi.nsn.us); [PHIPPS Lisa * DLCD](mailto:Lisa.PHIPPS@dlcd.oregon.gov) (Lisa.PHIPPS@dlcd.oregon.gov); [Sarah.Hibbs](mailto:Sarah.Hibbs@lincoln.k12.or.us) (Sarah.Hibbs@lincoln.k12.or.us); [Schurter, Andrew](mailto:Schurter, Andrew@nwnatural.com) (Schurter, Andrew@nwnatural.com); surveys@co.lincoln.or.us; [UNITIS Matthew * DSL](mailto:Matthew.UNITIS@dsl.oregon.gov) (Matthew.UNITIS@dsl.oregon.gov)

Subject: Re: Rezone request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you know the content is safe.

No comment from me :)

Lon French

1726 SE Hwy 101
 Lincoln City, Or 97367
 541-992-3629
LFrench@northlincolnsanitary.com

From: Anne Marie Skinner <askinner@lincolncity.org>
Sent: Thursday, January 27, 2022 5:16:21 PM
To: Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; Brian.S.NELSON (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov) <clara.taylor@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich (fulrich@nlfr.org) <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil <Katharine.A.Mott2@usace.army.mil>; Lon French <lfrench@northlincolnsanitary.com>; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us <surveys@co.lincoln.or.us>; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>
Subject: Rezone request

Hello,

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No response will indicate no comment.

Thank you,
 Anne Marie



Anne Marie Skinner
 DIRECTOR

City of Lincoln City | Planning & Community Development
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

From: [Daniel Wentz](#)
To: [Anne Marie Skinner](#)
Cc: [Stephanie Reid](#)
Subject: RE: Rezone request
Date: Friday, January 28, 2022 10:37:22 AM
Attachments: [image001.png](#)
[image002.png](#)

No comments from public works.
 City utility service is adequate for either zoning.



Daniel Wentz, MPH
PROJECT MANAGER

City of Lincoln City | Public Works
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.996.1238 | C: 541.364.1029
 E: Dwentz@lincolncity.org | W: LincolnCity.org

To help ensure equal access to City programs, services and activities, the City of Lincoln City will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 541-996-1221, Oregon Relay 7-1-1 with such request or visit www.lincolncity.org

From: Frederick Ulrich <fulrich@nlfr.org>
Sent: Friday, January 28, 2022 9:06 AM
To: Lon French <lfrench@northlincolnsanitary.com>; Anne Marie Skinner <askinner@lincolncity.org>; Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; Brian.S.NELSON (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov) <clara.taylor@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>
Subject: RE: Rezone request

No comments from NLFR.



**Frederick (Ed) Ulrich
Fire Marshal**

**North Lincoln Fire & Rescue
District #1**

Phone: 541-996-2233
Cell: 541-921-9024
Fax: 541-996-5344
Email: fulrich@nlfr.org

Bob Everest Station 1400
PO Box 200
2525 NW Highway 101
Lincoln City, OR 97367

From: Lon French <lfrench@northlincolnsanitary.com>

Sent: Thursday, January 27, 2022 6:10 PM

To: Anne Marie Skinner <askinner@lincolncity.org>; Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; Brian.S.NELSON (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov) <clara.taylor@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>

Subject: Re: Rezone request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you know the content is safe.

No comment from me :)

Lon French
1726 SE Hwy 101
Lincoln City, Or 97367
541-992-3629
LFrench@northlincolnsanitary.com

From: Anne Marie Skinner <askinner@lincolncity.org>

Sent: Thursday, January 27, 2022 5:16:21 PM

To: Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; Brian.S.NELSON (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov) <clara.taylor@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils

Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich (fulrich@nlfr.org) <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil <Katharine.A.Mott2@usace.army.mil>; Lon French <lfrench@northlincolnsanitary.com>; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us <surveys@co.lincoln.or.us>; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>

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Anne Marie Skinner
DIRECTOR

City of Lincoln City | Planning & Community Development
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.996.1228
E: askinner@LincolnCity.org | W: LincolnCity.org

From: [Alison Robertson](#)
To: [Anne Marie Skinner](#)
Subject: RE: Rezone request
Date: Monday, January 31, 2022 8:33:54 AM
Attachments: [image001.png](#)

Thanks Anne Marie. I have no comments.

Best,
 Alison



Alison Robertson, AICP, LEED AP
 DIRECTOR

City of Lincoln City | Urban Renewal & Economic Development
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.996.1207
 E: ARobertson@LincolnCity.org | W: LincolnCity.org

From: Anne Marie Skinner <askinner@lincolncity.org>
Sent: Thursday, January 27, 2022 5:16 PM
To: Stephanie Reid <sreid@lincolncity.org>; Daniel Wentz <dwentz@lincolncity.org>; Brian.S.NELSON (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov) <clara.taylor@dsl.oregon.gov>; Department Heads <Department_Heads@lincolncity.org>; Devils Lake Water Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich (fulrich@nlfr.org) <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil; Lon French (lfrench@northlincolnsanitary.com) <lfrench@northlincolnsanitary.com>; Onno Husing <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Sarah.Hibbs (Sarah.Hibbs@lincoln.k12.or.us) <Sarah.Hibbs@lincoln.k12.or.us>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>
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DIRECTOR

City of Lincoln City | Planning & Community Development
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.996.1228
E: askinner@LincolnCity.org | W: LincolnCity.org

Back 40 Properties, LLC
Christine & Harold Washington
19191 SW Peavine Rd
McMinnville OR 97128

16. February 2022

Lincoln City Planning Commission
PO Box 50 / 801 SW Hwy 101
Lincoln City OR 97367

Attention: Marie Skinner, Director

Regarding: CPA ZC 2022-01

Property owners: Gary H. Purvine; John K. Broomall, Trustee;
Karla J. Broomall, Trustee

We received your correspondence regarding a zone change for the property, (address: 3508 NE 40th Ct., Assessor's Map 07-11-02-AC-00800) located directly to the east of our residence.

We have had our residence there since 2005. We enjoy our time there. We would welcome a zone change from Multiple-Unit Residential (R-M) to Single-Family Residential R-1-7.5. We are familiar with the property and realize that there would be a limited amount of "off-street parking." Due to the layout of NE 40th Ct. in Neotsu, there is already limited "on-street" parking and a multi-family dwelling would negatively affect the mostly single family dwellings in the neighborhood.

We appreciate the opportunity to voice our opinions/concerns. Thank you for your consideration.

Respectfully,

Christine & Harold Washington

From: [norm lafaunce](#)
To: [Planning](#)
Subject: CPA ZC 2022-01
Date: Saturday, February 12, 2022 12:14:46 PM

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

We have no objection to the rezoning of the property at 3805 NE Court. We are building a house at 3572 NE 38th st. Our daughter, Alexa LaFaunce, lives on the parcel adjoining the lot to be rezoned (to the south) at 3565 NE 38th street. She also is in favor of the rezoning.

Norman and Barbara LaFaunce

LAKESIDE HEIGHTS

(REPLATTING A PORTION OF LOT 1, BLOCK 1, CROWN IMPERIAL III)

A SUBDIVISION PLAT LOCATED IN THE NE 1/4 OF SECTION 2, T7S, R11W, W.M.

CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON

FILED

NOV 1 5 1994

AT 03:30 O'CLOCK P.M.
DANA W. JENKINS, COUNTY CLERK
BY *[Signature]*
DEPUTY

DECLARATION

KNOW ALL MEN BY THESE PRESENTS, THAT DISHONGH AND PALMER LTD. IS THE OWNER OF THE TRACT OF LAND TO BE PLATTED AND DOES HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED MAP OF "LAKESIDE HEIGHTS", BEING MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, A TRUE MAP AND PLAT THEREOF, ALL LOTS BEING THE DIMENSIONS SHOWN ON SAID MAP AND PUBLIC STREETS BEING OF THE WIDTHS THEREON SET FORTH, AND SAID DISHONGH AND PALMER LTD. DOES HEREBY "DEDICATE TO THE CITY OF LINCOLN CITY" FOR USE OF THE PUBLIC ALL STREETS AND EASEMENTS SHOWN ON THE ACCOMPANYING PLAT. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY.

[Signature: Dan Dishongh]
DAN DISHONGH, PRESIDENT OF DISHONGH & PALMER LTD.

CONSENTS FROM BENEFICIARIES, BOOK 291, PAGES 749 & 750

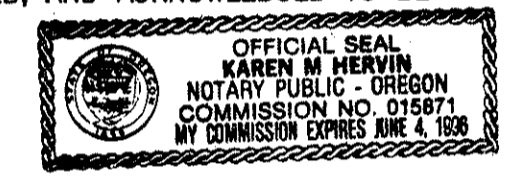
ACKNOWLEDGEMENT

STATE OF OREGON
SS.
COUNTY OF Lincoln

ON THIS 16th DAY OF August, IN THE YEAR 1994, BEFORE ME Karen M. Hervein THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DAN DISHONGH, PERSONALLY KNOWN TO ME (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE), TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AS PRESIDENT ON BEHALF OF DISHONGH AND PALMER LTD. AN OREGON CORPORATION, THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO BE THAT THE CORPORATION EXECUTED IT.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: June 4, 1996



INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND RECORDED IN BOOK , ON PAGE , LINCOLN COUNTY DEED RECORDS.

LINCOLN COUNTY SURVEYOR

APPROVALS

- | | |
|--|------------------|
| <i>[Signature: Brian Mullin]</i> | October 13, 1994 |
| LINCOLN CITY PLANNER | DATE |
| <i>[Signature: L.M. Richie]</i> | November 9, 1994 |
| LINCOLN COUNTY SURVEYOR / DEPUTY | DATE |
| <i>[Signature: Linda Rizer]</i> | 11-10-94 |
| LINCOLN COUNTY TAX COLLECTOR / DEPUTY | DATE |
| <i>[Signature: Ed Todd]</i> | 11-9-94 |
| LINCOLN COUNTY ASSESSOR | DATE |
| <i>[Signature: Don Lindly]</i> | 11/9/94 |
| LINCOLN COUNTY COMMISSIONER / DATE | DATE |
| <i>[Signature: Sean Cowan]</i> | 11/9/94 |
| LINCOLN COUNTY COMMISSIONER / DATE | DATE |
| <i>[Signature: Dana W. Jenkins]</i> | 11-15-94 |
| LINCOLN COUNTY CLERK / DATE | DATE |
| <i>[Signature: Lolita Peterson]</i> | October 13, 1994 |
| CHAIRMAN, LINCOLN CITY PLANNING COMMISSION | DATE |
| <i>[Signature: Paul Christensen]</i> | October 13, 1994 |
| LINCOLN CITY ENGINEER | DATE |

SURVEYOR'S NARRATIVE

BOUNDARY SURVEY OF A PORTION OF THAT TRACT OF LAND DESCRIBED IN MICROFILM VOLUME 275, PAGE 2157, LINCOLN COUNTY RECORDS FOR THE PURPOSE OF SUBDIVIDING SAID PORTION. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE PLAT OF "LAKE POINT" AS RECORDED IN PLAT BOOK 8, PAGE 13, LINCOLN COUNTY RECORDS AND AS DEFINED BY MONUMENTS FOUND AS SHOWN IN COUNTY SURVEY No. 9314. THE BOUNDARIES OF THE SUBJECT PARCEL WERE CALCULATED FROM APPROVED TENTATIVE PLAT OF "LAKESIDE HEIGHTS", THE PROPERTY LINE ADJUSTMENT SURVEY RECORDED AS COUNTY SURVEY No. 14,532, THE HIGH WATER LINE OF DEVILS LAKE AND THE WEST LINE OF NE JOHN'S AVE. AS DEFINED IN COUNTY SURVEY No. 9314. LOCATED IN THE NE 1/4 OF SECTION 2, T7S, R11W, W.M. LINCOLN COUNTY, OREGON.

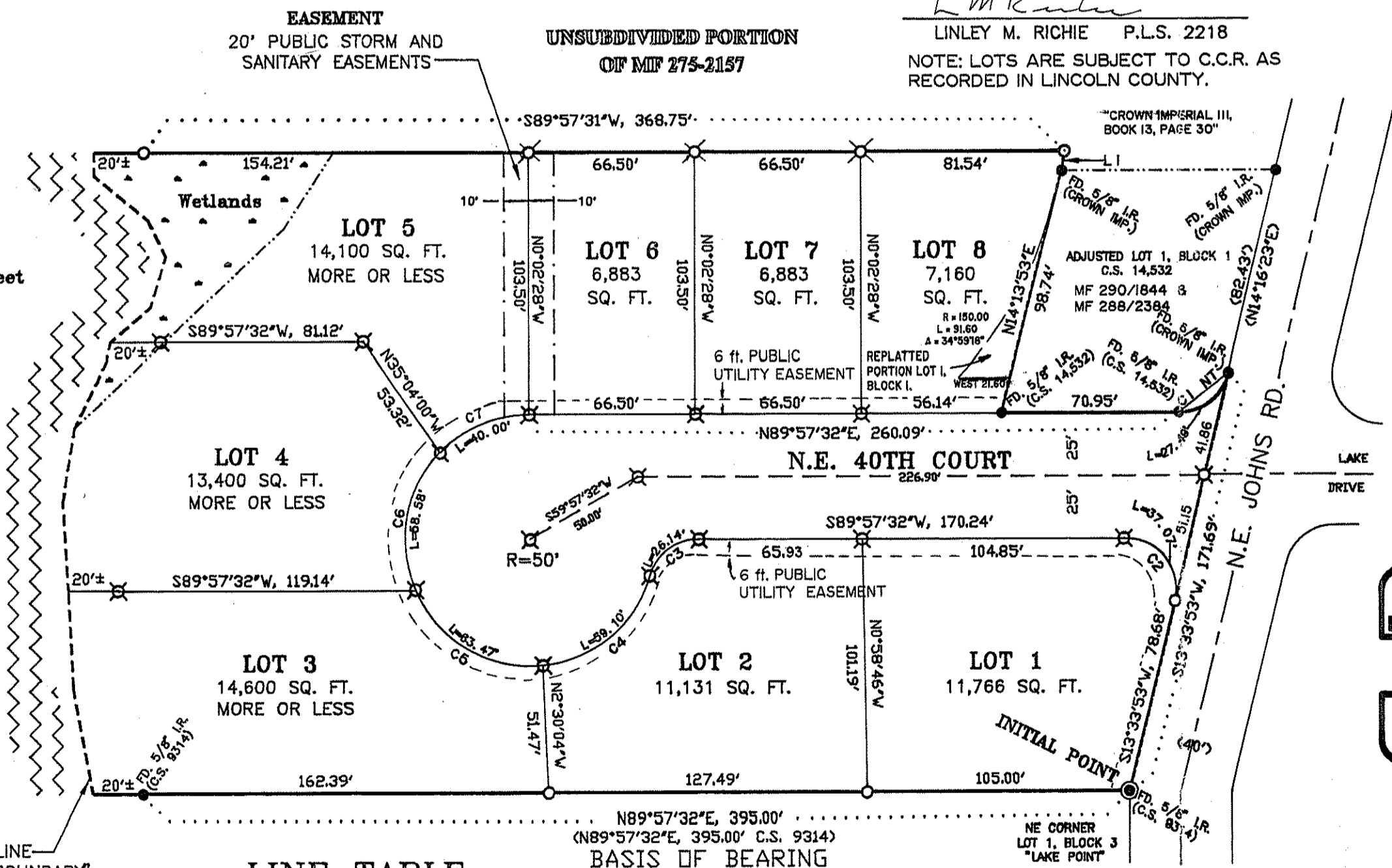
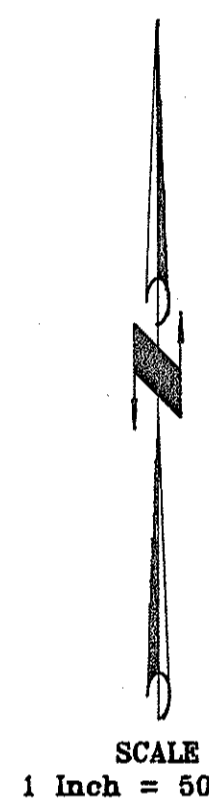
SURVEYOR'S CERTIFICATE

I, LINLEY M. RICHIE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ANNEXED MAP OF "LAKESIDE HEIGHTS" AND THE INITIAL POINT OF SAID MAP IS A 5/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF LOT 1, BLOCK 3, "LAKE POINT" SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 13, LINCOLN COUNTY RECORDS, LOCATED IN THE NE 1/4 OF SECTION 2, T7S, R11W, W.M. LINCOLN COUNTY OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM SAID INITIAL POINT SOUTH 89°57'32" WEST, 20 FEET MORE OR LESS TO SAID POINT; THENCE CONTINUING ALONG SAID NORTH LINE 20 FEET MORE OR LESS TO THE HIGH WATER LINE OF DEVILS LAKE; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO A POINT WHICH IS SOUTH 89°57'31" WEST, 20 FEET MORE OR LESS FROM A POINT ON THE NORTH LINE OF THE SUBJECT TRACT; THENCE NORTH 89°57'31" EAST, 20 FEET MORE OR LESS TO SAID POINT; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 89°57'31" EAST, 368.75 FEET; THENCE SOUTH 74°0'01" WEST, 7.88 FEET; THENCE SOUTH 14°13'53" WEST, 98.74 FEET; THENCE NORTH 89°57'32" EAST, 70.95 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE LEFT HAVING A RADIUS OF 20 FEET, THE CENTRAL ANGLE BEING 78°45'54", THE LONG CORD OF WHICH BEARS NORTH 51°47'30" EAST, FOR 25.38 FEET, AN ARC DISTANCE OF 27.49 FEET TO THE WEST LINE OF NORTHEAST JOHN'S ROAD, (40 FEET WIDE); THENCE SOUTH 13°33'53" WEST, ALONG SAID WEST LINE, 171.69 FEET TO THE INITIAL POINT AND THE POINT OF BEGINNING. CONTAINING 2.4 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT THE POST-MONUMENTATION OF THE INTERIOR MONUMENTS WITHIN THIS SUBDIVISION SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE PAVING OF IMPROVEMENTS, OR WITHIN ONE (1) YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

[Signature: L.M. Richie]
LINLEY M. RICHIE P.L.S. 2218
NOTE: LOTS ARE SUBJECT TO C.C.R. AS RECORDED IN LINCOLN COUNTY.

NOTE: THIS PLAT IS SUBJECT TO A BLANKET SEWAGE DISPOSAL SYSTEM EASEMENT RECORDED IN BK 283 PG 1309



LINE TABLE

LINE	BEARING	DISTANCE
LI	S07°40'01"W	7.88'

CURVE TABLE

CURVE	DELTA	R	L	Ts	LONG CHORD	
C1	78°45'54"	20.00'	27.49'	16.42'	N51°47'30"E	25.38'
C2	106°12'22"	20.00'	37.07'	26.64'	S39°28'06"E	31.99'
C3	74°63'12"	20.00'	26.14'	16.32'	S54°01'20"W	24.32'
C4	67°43'26"	50.00'	59.10'	33.55'	S50°24'24"W	55.72'
C5	72°43'34"	50.00'	63.47'	36.81'	S59°22'07"E	59.29'
C6	67°07'40"	50.00'	58.58'	33.17'	N10°33'30"E	55.29'
C7	45°50'12"	50.00'	40.00'	21.14'	N67°02'26"E	38.94'

LEGEND

- DENOTES INITIAL POINT AS NOTED
- DENOTES MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "LIN RICHIE PLS 2218"
- ⊗ DENOTES MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "LIN RICHIE PLS 2218" (TO BE SET DURING POST MONUMENTATION)
- DENOTES MONUMENTS FOUND HELD FOR CONTROL AS NOTED
- () DENOTES RECORD INFORMATION

REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature: L.M. Richie]

OREGON
JULY 17, 1988
L.M. RICHIE
2218

RENEWAL DATE:
12-31-94

GEODETIC CONTROL TIE AS PER ORS. 92.050
INITIAL POINT TO LCGCM "8943"
N24°23'21"E, 2429.87'
ANGLE FROM LCGCM "8943 TO LCGCM "2218"
44°10'32"

CHECKED BY: LMR

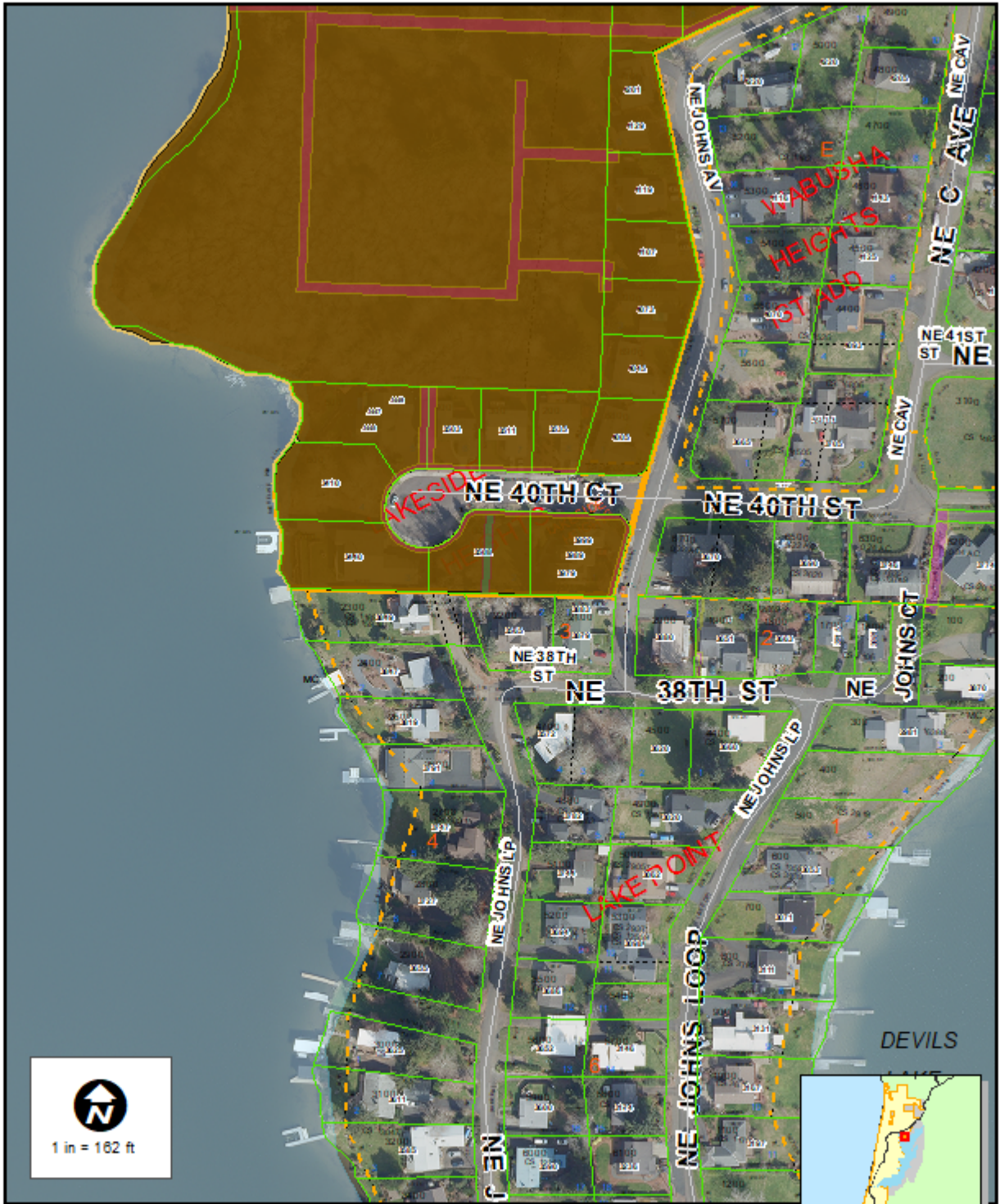
DRAWN BY: GAM

SCALE: 1" = 50'

DATE: 7-18-94

JOB No. 9403038

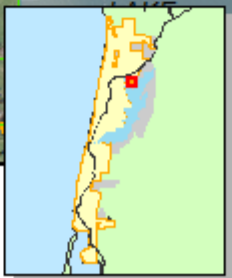
LIN RICHIE SURVEYING / LRS
CONSULTING LAND SURVEYORS
3330 N.E. 101 SUITE 1
Lincoln City, Oregon 97367
-LIN RICHIE P.L.S.-
(503) 994-4234 Fax (503) 994-7221



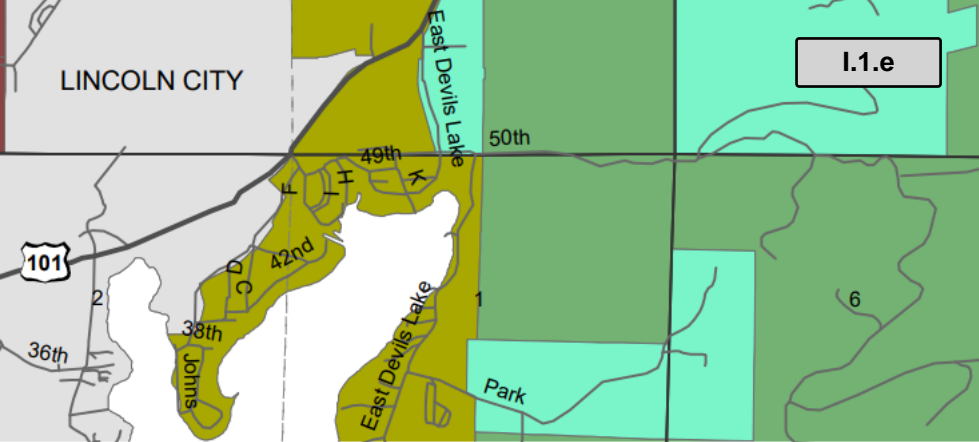
Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 2/23/2022



Location



g

A-C [Agricultural Conservation]

C-1 [Retail Commercial]


C-T [Tourist Commercial]

M-W [Marine Waterway]

P-F [Public Facilities]

R-1 [Residential]

Packet Pg. 123

OFFICE USE ONLY Date Filed: _____ Amount/Fee: _____ Receipt No: _____ Received By: _____ 30 Days: _____ Deemed Incomplete: _____ Deemed Complete: _____ 120 Day Deadline: _____	 LAND USE APPLICATION	OFFICE USE ONLY Stamp Date Received _____ File No: _____
--	--	---

APPLICATION TYPE

<input type="checkbox"/> ANNEXATION	<input type="checkbox"/> LOT LINE ADJUSTMENT	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> APPEAL OF PLANNING COMMISSION DECISION	<input type="checkbox"/> MINOR PARTITION	<input type="checkbox"/> SUBDIVISION
<input type="checkbox"/> APPEAL OF PLANNING DEPARTMENT DECISION	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT REVIEW	<input type="checkbox"/> URBAN GROWTH BOUNDARY AMENDMENT
<input checked="" type="checkbox"/> COMPREHENSIVE PLAN & ZONING MAP AMENDMENT	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT VARIANCE	<input type="checkbox"/> VACATION
<input type="checkbox"/> COMPREHENSIVE PLAN &/OR ZONING ORDINANCE TEXT AMENDMENT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> CONDITIONAL USE PERMIT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	<input type="checkbox"/> OTHER _____

NAME OF APPLICANT: City of Lincoln City

MAILING ADDRESS: PO Box 50

CITY: Lincoln City **STATE:** OR **ZIP:** 97367

DAYTIME PHONE: 541.996.1228

Signature: John K. Broomall - Karla J. Broomall
Trustee

EMAIL (OPTIONAL): askinner@lincolncity.org

OWNER OF RECORD (if other than applicant)

NAME: Gary H. Purvine and John K. Broomall, Trustee and Karla J. Broomall, Trustee

MAILING ADDRESS: PO Box 125

CITY: Corbett **STATE:** OR **ZIP:** 97019

DAYTIME PHONE: [REDACTED]

Signature: John K. Broomall - Karla J. Broomall
Gary H. Purvine Trustee

EMAIL (OPTIONAL): [REDACTED]

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:

AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER

PROJECT LOCATION: south of NE 40th Ct, approx. 125' west of NE Johns Ave & 162' east Devils Lake

PROJECT ADDRESS: 3508 NE 40th Court

ASSESSOR'S MAP NO.: 07-11-02-AC **TAX LOT(S):** 00800

AREA: 0.26 (acres) **SQ. FT.:** 11,326 **ZONING:** R-M

Council Communication

Ordinance 2022-10 (duplex fix)

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Lila Bradley	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve Second Reading and adopt Ordinance 2022-10 entitled:

ORDINANCE NO. 2022-10

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS

Staff Recommendation:

Staff recommends Council conduct Second Reading and adopt the Ordinance. Any changes must be read.

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 amendment is intended to bring the city into compliance with the state's 2019 legislation HB 2001 to allow duplexes on any lot or parcel in a residential zone that allows detached single-family dwellings. With this added provision, the city hopes the amendment will encourage the construction of more duplexes.

Council Options:

1. Conduct and approve Second Reading. Read changes, if any. Adopt the Ordinance.

[or]

3. Continue Second Reading to April 11, 2022.

Potential Motions:

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

ORDINANCE NO. 2022-10

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS

Council: 1) Motion to approve Second Reading and adopt Ordinance 2022-10.

[or]

2) Motion to set Second Reading for April 11, 2022.

Attachments:

Ordinance 2022-10 duplex fix 1-26-2022 (DOCX)

Exhibit A Ordinance 2022-10 duplex fix (DOCX)

1 THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:
2

3 SECTION 1. Chapter 17.16 (Single Family Residential (R-1) Zone), Section 17.16.020 (Permitted
4 Uses), Paragraph A.3., is hereby amended to read as follows:
5
6

7 3. ~~Two-family and duplex dwellings when developed on a minimum 8,000-~~
8 ~~square-foot lot;~~
9

10 SECTION 2. Chapter 17.16 (Single Family Residential (R-1) Zone), Section 17.16.070 (Lot
11 Requirements), is hereby amended to read as follows:
12

13 17.16.070 Lot requirements.
14

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Yard ⁽³⁾	Side Yard	Street Side Yard ⁽³⁾	Rear Yard	Maximum Lot Coverage ⁽⁵⁾
R-1-5	5,000 sq. ft.; 8,000 for duplex or two-family	50' detached; 35' attached	70'	5' ⁽¹⁾ 7-1/2' ⁽²⁾	5' ⁽¹⁾ 7-1/2' ⁽²⁾ or 0' for common wall of attached dwellings	5' ⁽¹⁾ 7-1/2' ⁽²⁾	5' ⁽¹⁾ 7-1/2' ⁽²⁾	35% ⁽⁴⁾
R-1-7.5	7,500 sq. ft.; 8,000 for duplex or two-family	70' detached; 35' attached	80'	same as above				35% ⁽⁴⁾

15
16
17 SECTION 3. Chapter 17.17 (Single Family Residential (R-1-RE) Zone), Section 17.17.020 (Permitted
18 uses), Paragraph A.3., is hereby amended to read as follows:
19
20

1 3. Duplexes. ~~on corner lots when each unit fronts on a separate street; duplex~~
2 ~~lots must be a minimum 8,000 square feet and~~ VRDs are prohibited in duplexes;

3
4 **SECTION 4.** Chapter 17.17 (*Single Family Residential (R-1-RE) Zone*), Section 17.17.070 (*Lot*
5 *requirements*), Paragraph A., is hereby amended to read as follows:

6 A. The minimum lot area shall be 5,000 square feet. ~~and 8,000 square feet for a duplex~~

7
8
9 **SECTION 5.** Chapter 17.40 (*Recreation-Residential (R-R) Zone*), Section 17.40.020 (*Permitted*
10 *uses*), is hereby amended to read as follows:

11 **17.40.020 Permitted uses.**

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

- 13 A. Single-family dwelling;
- 14 B. Manufactured home;
- 15 **C. Duplex;**
- 16 ~~D.~~ C. Cottage housing developments, subject to the provisions of LCMC 17.80.120;
- 17 ~~E.~~ D. Recreational vehicle;
- 18 ~~F.~~ E. Essential emergency communications, early warning and associated emergency
- 19 facilities;
- 20 ~~G.~~ F. Community gardens and market gardens not larger than 12,500 square feet, in
- 21 accordance with the standards of LCMC 17.80.080;
- 22 ~~H.~~ G. Transportation uses, defined in Chapter 17.08 LCMC.

23
24
25
26
27 **SECTION 6.** Chapter 17.56 (*Off-street parking and loading*), Section 17.56.030 (*Number of off-*
28 *street parking spaces required*), is hereby amended to read as follows:

29 **17.56.030 Number of off-street parking spaces required.**

30 Table 17.56.030-1 – Number of Spaces Required

Use	Requirement
A. Residential:	
1. Detached single-unit, attached single-unit, and duplex a. 1,000 square feet or less per unit b. Over 1,000 square feet per unit c. Duplex	1 space per detached or attached single-unit dwelling 1 space per dwelling unit 2 spaces per detached or attached single-unit dwelling 2 spaces per dwelling unit 1 space per detached or attached single-unit dwelling 1 space per dwelling unit 2 spaces per detached or attached single-unit dwelling 2 spaces per dwelling unit 2 spaces per duplex

31
32
33

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

5
6 **SECTION 8. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
7 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
8 validity of the remaining sections, subsections, paragraphs and clauses.

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

12
13 **SECTION 10. Codification.** Provisions of this Ordinance shall be incorporated in the City of
14 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
15 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
16 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 7-10)
17 need not be codified and the City Recorder is authorized to correct any cross-references and
18 any typographical errors.

19
20 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
21 9.2 of the City of Lincoln City Charter on the 14th day of March, 2022 (First Reading) and on the
22 28th day of March, 2022 (Second Reading).

23
24 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of March,
25 2022.

26
27
28
29
30 _____
SUSAN WAHLKE, MAYOR

31 ATTEST:

32
33 _____
34 JAMIE YOUNG, CITY RECORDER

35
36 APPROVED AS TO FORM:

37
38 _____
39 RICHARD APPICELLO, CITY ATTORNEY

40
41

EXHIBIT A – FINDINGS (ZOA 2022-04)
ORDINANCE 2022-10

The Ordinance Title is as follows:

ORDINANCE NO. 2022-10

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), CHAPTER 17.17 (SINGLE FAMILY RESIDENTIAL ROADS END (R-1-RE) ZONE), AND CHAPTER 17.40 (RECREATION RESIDENTIAL (R-R) ZONE, TO ADD DUPLEX USES CONSISTENT WITH HB 2001, AND CHAPTER 17.55 (OFF-STREET PARKING AND LOADING) TO MAKE DUPLEX OFF-STREET PARKING REQUIREMENTS CONSISTENT WITH HB 2001 REQUIREMENTS

In substance, the Ordinance provides:

SECTION 1. Chapter 17.16 (Single Family Residential (R-1) Zone), Section 17.16.020 (Permitted Uses), Paragraph A.3., is hereby amended to read as follows:

3. ~~Two-family and d Duplex; dwellings when developed on a minimum 8,000 square foot lot;~~

SECTION 2. Chapter 17.16 (Single Family Residential (R-1) Zone), Section 17.16.070 (Lot Requirements), is hereby amended to read as follows:

17.16.070 Lot requirements.

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Yard ⁽³⁾	Side Yard	Street Side Yard ⁽³⁾	Rear Yard	Maximum Lot Coverage ⁽⁵⁾
R-1-5	5,000 sq. ft.; 8,000 for	50' detached; 35' attached	70'	5' ⁽¹⁾ 7-1/2' ⁽²⁾	5' ⁽¹⁾ 7-1/2' ⁽²⁾ or 0' for common	5' ⁽¹⁾ 7-1/2' ⁽²⁾	5' ⁽¹⁾ 7-1/2' ⁽²⁾	35% ⁽⁴⁾

REQUIRED MINIMUMS							
	duplex or two- family				wall of attached dwellings		
R-1- 7.5	7,500 sq. ft.; 8,000 for duplex or two- family	70' detached; 35' attached	80'	same as above			35% ⁽⁴⁾

SECTION 3. Chapter 17.17 (*Single Family Residential (R-1-RE) Zone*), Section 17.17.020 (*Permitted uses*), Paragraph A.3., is hereby amended to read as follows:

3. Duplexes. ~~on corner lots when each unit fronts on a separate street; duplex lots must be a minimum 8,000 square feet and~~ VRDs are prohibited in duplexes;

SECTION 4. Chapter 17.17 (*Single Family Residential (R-1-RE) Zone*), Section 17.17.070 (*Lot requirements*), Paragraph A., is hereby amended to read as follows:

A. The minimum lot area shall be 5,000 square feet. ~~and 8,000 square feet for a duplex~~

SECTION 5. Chapter 17.40 (*Recreation-Residential (R-R) Zone*), Section 17.40.020 (*Permitted uses*), is hereby amended to read as follows:

17.40.020 Permitted uses.

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

A. Single-family dwelling;

B. Manufactured home;

C. Duplex;

~~D.C.~~ Cottage housing developments, subject to the provisions of LCMC 17.80.120;

~~E.D.~~ Recreational vehicle;

~~F.E.~~ Essential emergency communications, early warning and associated emergency facilities;

~~G.F.~~ Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080;

~~H.G.~~ Transportation uses, defined in Chapter 17.08 LCMC.

SECTION 6. Chapter 17.56 (*Off-street parking and loading*), Section 17.56.030 (*Number of off-street parking spaces required*), is hereby amended to read as follows:

17.56.030 Number of off-street parking spaces required.

Table 17.56.030-1 – Number of Spaces Required

Use	Requirement
A. Residential:	
1. Detached single-unit, attached single-unit, and duplex <ul style="list-style-type: none"> a. 1,000 square feet or less per unit b. Over 1,000 square feet per unit c. Duplex 	<p>1 space per detached or attached single-unit dwelling 1 space per dwelling unit</p> <p>2 spaces per detached or attached single-unit dwelling 2 spaces per dwelling unit</p> <p>2 spaces per duplex 2 spaces per duplex</p>

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. The ordinance is primarily housekeeping to make the city compliant with Oregon’s 2019 HB 2001, so a city-wide notice was not required. Notice to DLCD was made on January 6, 2022.

Ordinance 2022-10 allows the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings, as required by state law HB2001 from the 2019 legislative session.

No public comments or questions were submitted regarding the proposed ordinance.

Required analysis:

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

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

All documents relating to the proposal (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.

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance 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.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The 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. The amendment is consistent with Goal 5.

(6) 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.

(7) 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.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendment does not relate to recreation as that term is used in this goal and does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

(9) 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 amendment is intended to bring the city into compliance with the state's 2019 legislation HB 2001 to allow duplexes on any lot or parcel in a residential zone that allows detached single-family dwellings. With this added provision, the city hopes the amendment will encourage development. The proposed amendment is consistent with Goal 9.

(10) Goal 10: Housing

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

The amendment is intended to bring the city into compliance with the state's 2019 legislation HB 2001 to allow duplexes on any lot or parcel in a residential zone that allows detached single-family dwellings. With this added provision,

the city hopes the amendment will encourage the construction of more duplexes. The proposed amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendment does not relate directly to public facilities and services. Goal 11 is not applicable.

(12) 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.

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendment does not directly relate or pertain to the urbanization of Lincoln City, except that the additional use of duplexes on lots or parcels in a residential zone may encourage new duplex construction. Accordingly, Goal 14 is met or is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The 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.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

(18) 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.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during 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.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public through publication in the local newspaper and review of the amendment by the Planning Commission (a citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To Plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The proposed amendment does not directly relate to public services and utilities. Accordingly, this goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendment does not relate directly to urbanization, so this goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendment on its own does not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendment is consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment is intended to bring the city into compliance with the state's 2019 legislation HB 2001 to allow duplexes on any lot or parcel in a residential zone that allows detached single-family dwellings. With this added provision, the city hopes the amendment will encourage the construction of more duplexes. The proposed amendment is consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendment is intended to bring the city into compliance with the state's 2019 legislation HB 2001 to allow duplexes on any lot or parcel in a residential zone that allows detached single-family dwellings. With this added provision, the city hopes the amendment will encourage the construction of more duplex development. The proposed amendment is consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendment does not relate to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendment does not directly relate to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendment does not pertain to energy conservation, so this goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

By itself, the amendment does not allow development in sensitive natural resource areas. The existing ordinances and plan requirements relating to protection the natural environment will continue to apply to all properties with natural resource areas. This amendment will contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e. Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards apply to any areas impacted by this amendment, thereby protecting these resources. The amendment is consistent with this goal.

Council Communication

Ordinance 2022-09 Taxi Cab Services

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve Second Reading of Ordinance 2022-09 entitled:

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.

Staff recommends Council conduct Second Reading of Ordinance 2022-09. Any changes must be read.

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 City Council directed staff to update the Taxicab ordinance to address other Vehicles for Hire, including Transportation Network Companies like Uber and Lyft. A Resolution to address fees and application forms will be on the April 11, 2022 Council agenda for approval.

Issues from Council meeting on March 14, 2022:

1. The Airport Shuttle available here in Lincoln City is licensed by the Port of Portland and therefore falls within the ordinance exemption.
2. Limousines are now expressly listed as a vehicle for hire subject to this ordinance.

In 10.20.010:

F. Vehicle for hire means any vehicle used for the ground transportation of passengers for compensation within the City, including taxis and transportation network company (TNC) vehicles, as well as limousines, animal-drawn vehicles and vehicles powered by humans, including but not limited to vehicles such as pedi-cabs.

3. Licenses will receive one of four renewal dates assigned by Finance, staff consistent with the OTP ordinance.

In 10.20.020:

C. The license issued under this chapter is valid for one year, commencing upon issuance and continuing for one year from the assigned QUARTERLY renewal date.

The finance director will assign each new and existing license to one of four renewal dates. The one-year period commencing on the renewal date is the permit year for corresponding occupation or business. No license shall be issued for less than one year. For the first year, each license fee shall be prorated to the assigned renewal date. This language is not needed as the OTP and License will be issued at the same time. This language only serves to confuse the already muddy "annual" language

The city hereby establishes four renewal dates, as follows:

- 1. January 1st;**
- 2. April 1st;**
- 3. July 1st;**
- 4. October 1st.**

Any renewal must be approved by the City prior to the expiration date in order for the taxi company, TNC or other vehicle for hire to continue providing vehicle for hire services within the City.

Renewal Period. A completed license renewal application and renewal fee, as established by city resolution, are due no earlier than 30 days before the assigned renewal date and no later than 30 days after the assigned renewal date. The city

may impose a late fee for renewal applications submitted beyond the 60-day renewal period, as established by resolution.

D. The application fee for the License shall be established by Resolution of the Council and shall be intended to account for the City's costs in administering the requirements of this chapter and will not be refunded. The fee amounts shall be set by City Council resolution as part of the City's fee schedule.

E. The License fee shall be paid to the City at the time of submitting both initial and renewal license applications.

4. Typo corrected vehicle for hire 10.20.040.C.

C. The insurance limits for Taxi companies, TNCs, and other vehicles for hire are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the annual term of the license.

5. 10.20.045.C. ... "more than 12 months to date", changed to "more than 12 months old".

C. In the event a record of vehicle inspection is not produced within 24 hours of request, or if the record produced indicates the inspection is more than 12 months old, the city shall notify the holder of a vehicle for hire license to complete an inspection showing compliance with the standards of this chapter and deliver the record to the city within 24 hours of the written notice

6. 10.20.055.A. has been clarified. "a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer" changed to "Except for taxicabs charging flat rates, a fully functional taximeter with a lighted face which can be read at all times by the customer must be provided by the taxicab."

A. Except for taxicabs charging flat rates, a fully functional taximeter with a lighted face which can be read at all times by the customer must be provided by the taxicab.

7. 10.20.090 shortened / clarified:

All taxicab certificates and driver permits issued prior to the effective date of this ordinance will expire automatically on December 31, 2022. All Vehicles for Hire operating in the City of Lincoln City shall be licensed under this ordinance on or before January 1, 2023. The initial application from an existing vehicle for hire under this ordinance shall be processed as a new application, not a renewal. Fees shall be pro-rated depending upon assigned quarterly license renewal dates. Pro-rating is not necessary with quarterly renewal process. PLEASE REMOVE

Removed: Anyone with a taxicab certificate or driver permit under previous Chapter 10.20, Taxicabs, valid as of the effective date of the ordinance is exempt from this chapter, (Vehicles for Hire), until January 1, 2023, unless the certificate or driver permit holder wishes to apply under the new chapter at an earlier date. All existing taxicab certificates and driver permits issued prior to the effective date of the ordinance will expire automatically on December 31, 2022. Each application received after January 1, 2023 will be treated as a new application, not a renewal. All applications thereafter will be treated as a renewal.

Council Options:

1. Conduct and approve Second Reading. Read changes, if any. Adopt the Ordinance. [or]
2. Continue Second Reading to April 11, 2022.

Potential Motions:

City Attorney: [Conduct Second Reading of Ordinance. Changes must be read.]

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-09.

[or]

2. Motion to set Second Reading for April 11, 2022.

Attachments:

Final Ordinance 2022-09 Taxicabs clean (DOCX)

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.20 (TAXICABS), TO ADD REGULATIONS TO ADDRESS OTHER VEHICLES FOR HIRE, SUCH AS TRANSPORTATION NETWORK COMPANIES.

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

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

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; and

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); *La Grande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, LCMC Chapter 10.20 (*Taxicabs*) requires updating to address regulation of other vehicles for hire, like Transportation Network Companies; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.20 (*Taxicabs*), is amended to read as follows:

Chapter 10.20
VEHICLES FOR HIRE

Sections:

- 10.20.005 Purpose.**
- 10.20.010 Definitions.**
- 10.20.020 License Required, Application and Fees.**
- 10.20.030 Driver Requirements.**
- 10.20.040 Insurance Requirements.**
- 10.20.045 Annual Inspection - vehicles for hire.**
- 10.20.050 Operational Requirements.**
- 10.20.055 Taxicab Equipment.**
- 10.20.060 Audit.**
- 10.20.070 Revocation, Suspension and Penalties.**
- 10.20.075 Indemnification.**
- 10.20.080 Violation- Enforcement- Citation.**
- 10.20.090 Effective Date – Status of Existing Valid Certificates and Permits.**

10.20.005 Purpose.

The purpose of this chapter is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the City of Lincoln City, as authorized by ORS 221.485 and ORS 221.495. Nothing contained in this chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage related to any provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees.

10.20.010 Definitions.

As used in this chapter:

- A. City means the City of Lincoln City, Oregon.**
- B. License means the license issued by the City to a taxi company or TNC authorizing the company to engage in vehicle for hire services within the City.**

1 **C. Driver means any individual natural person who operates a vehicle for hire**
 2 **within the City.**

3
 4 **D. Nonemergency medical transport vehicle means a vehicle that carries a person**
 5 **for hire and such person requires nonemergency medical treatment or supervision**
 6 **by an emergency medical technician or first responder certified by the Oregon**
 7 **State Health Division while in the vehicle.**

8
 9 **E. Person means and includes any individual natural person, partnership,**
 10 **corporation, unincorporated association, or other entity.**

11
 12 **F. Vehicle for hire means any vehicle used for the ground transportation of**
 13 **passengers for compensation within the City, including taxis and transportation**
 14 **network company (TNC) vehicles, as well as limousines, animal-drawn vehicles and**
 15 **vehicles powered by humans, including but not limited to vehicles such as pedi-**
 16 **cabs. The following motor vehicles are excluded from the definition of vehicle for**
 17 **hire and are exempt from this chapter:**

18 **1. School buses operated to transport students;**

19 **2. Vehicles used by nonprofit transportation providers solely and exclusively**
 20 **for elderly or handicapped persons;**

21 **3. Vehicles used to provide courtesy transportation at no charge to and from**
 22 **parking lots, hotels, casinos, rental offices, retirement homes, and the like;**

23 **4. Vehicles used to provide licensed ambulance services, as well as licensed**
 24 **nonemergency medical transport vehicles.**

25 **5. Vehicles licensed for airport ground transportation by the Port of Portland**
 26 **or other ports that license passenger transportation.**

27 **6. Regular-route scheduled buses, State-approved buses engaged in charter**
 28 **service.**

29
 30 **G. Taxi company means any person or entity operating one or more vehicles for**
 31 **hire, other than as a driver, regardless of the legal form of the entity and**
 32 **regardless of whether the taxis so operated are owned by the company, or leased,**
 33 **or owned by individual members of an entity. Taxi companies do not include**
 34 **TNCs.**

35
 36 **H. Transportation network company or TNC means a company or other entity**
 37 **that exclusively uses an Internet-enabled platform or application to connect**
 38 **passengers with vehicles for hire and/or TNC drivers.**

39

1 **10.20.020 License Required, Application and Fees.**

2
3 **A. No person shall operate any vehicle for hire business in the city without**
4 **possessing a valid License for that business and its vehicles issued pursuant to this**
5 **Chapter 10.20, as well as any other license required by law including but not**
6 **limited to a business occupation tax permit under Chapter 5.04 LCMC.**

7
8 **B. The City may issue a license to a taxi company or TNC or other vehicle for hire,**
9 **if the company certifies in a sworn statement under penalty of perjury and false**
10 **swearing, on a form approved to the City that it is in compliance with all**
11 **requirements of this chapter, including but not limited to driver and insurance**
12 **requirements, operating standards, and any other requirements of the Municipal**
13 **Code or State Law, and actually meets all applicable standards and requirements.**
14 **The City may inspect company records, as well as equipment and vehicles, and**
15 **request the production of other supporting materials to verify compliance.**
16 **The City may include conditions, restrictions, or special provisions in the license**
17 **related to routes, times of operation, or lighting if necessitated by the vehicles or**
18 **operations of the taxi company, TNC or other vehicle for hire. The City Manager**
19 **may waive or lessen the requirements of this chapter if the type of vehicles or**
20 **operations of a taxi company, TNC or other vehicle for hire render the**
21 **requirements unreasonable or unnecessary, in the sole discretion of the City**
22 **Manager.**

23 **C. The license issued under this chapter is valid for one year, commencing upon**
24 **issuance and continuing for one year from the assigned **QUARTERLY** renewal date.**

25 **The finance director will assign each new and existing license to one of four**
26 **renewal dates. The one-year period commencing on the renewal date is the permit**
27 **year for corresponding occupation or business. ~~No license shall be issued for less~~**
28 **~~than one year. For the first year, each license fee shall be prorated to the assigned~~**
29 **~~renewal date.~~ **THERE IS NO PRO-RATING NECESSARY AS THE OTP AND LICENSE****
30 ****ARE ISSUED AT THE SAME TIME.****

31 **The city hereby establishes four renewal dates, as follows:**

- 32 **1. January 1st;**
33 **2. April 1st;**
34 **3. July 1st;**

1 **4. October 1st.**

2 **Any renewal must be approved by the City prior to the expiration date in order for**
3 **the taxi company, TNC or other vehicle for hire to continue providing vehicle for**
4 **hire services within the City.**

5
6 **Renewal Period. A completed license renewal application and renewal fee, as**
7 **established by city resolution, are due no earlier than 30 days before the assigned**
8 **renewal date and no later than 30 days after the assigned renewal date. The city**
9 **may impose a late fee for renewal applications submitted beyond the 60-day**
10 **renewal period, as established by resolution.**

11
12 **D. The application fee for the License shall be established by Resolution of the**
13 **Council and shall be intended to account for the City's costs in administering the**
14 **requirements of this chapter and will not be refunded. The fee amounts shall be**
15 **set by City Council resolution as part of the City's fee schedule.**

16
17 **E. The License fee shall be paid to the City at the time of submitting both initial**
18 **and renewal license applications.**

19
20 **F. All taxi companies, TNCs, and other vehicles for hire, must comply with the**
21 **City's business registration requirements in Chapter 5.04.**

22
23 **10.20.030 Driver Requirements.**

24
25 **A. All drivers shall be at least 21 years of age and shall possess a valid driver's**
26 **license, proof of motor vehicle registration, and proof of current automobile**
27 **liability insurance that meets the requirements of this chapter and state law.**

28
29 **B. Every taxi company or TNC shall maintain accurate, current records for all**
30 **drivers employed by, contracting with, or affiliated with the company, including**
31 **all drivers accessing a company's digital network to operate in the City. The**
32 **records shall include the driver's name, date of birth, address, social security**
33 **number, criminal background check results, driver's license information, motor**
34 **vehicle registration, and automobile insurance. These records will be made**
35 **available to the City promptly on request.**

36
37 **C. Prior to permitting a person to operate as a driver, and annually thereafter, the**
38 **taxi company or TNC shall conduct, or have a qualified third party conduct, a**
39 **criminal background check. The criminal background check shall include a search**

1 of no less than seven years of database history, unless prohibited by law, in which
 2 case the duration of the search shall be the maximum number of years permitted
 3 by law. The criminal background check shall include local, state, and national
 4 criminal history databases and all accessible sex offender registries. Any person
 5 who is on a sex offender registry or has a record of a felony conviction within the
 6 previous seven years may not act as a driver. A record of a conviction of any of the
 7 following within the previous seven years will also disqualify a person from acting
 8 as a driver: crimes involving theft or fraud, crimes involving driving under the
 9 influence of alcohol or controlled substances, sexual offenses, or crimes involving
 10 physical harm or attempted physical harm to a person (including but not limited
 11 to any felony or misdemeanor involving a crime against persons as defined in ORS
 12 Chapter 163, such as homicide, manslaughter, assault, kidnapping, sexual offenses,
 13 harassment and stalking). The company or its agent shall maintain records of a
 14 criminal background checks for a period of at least two years. For purposes of this
 15 section, the term "conviction" includes convictions, bail forfeitures, and other final
 16 adverse findings.

17
 18 D. A taxi company or TNC must revoke a driver's authority to operate as a driver
 19 for their company and inform the City if it finds at any time that the standards set
 20 forth in this section are no longer being met by the driver. The company shall only
 21 reinstate a driver upon a finding by the company that all standards are again
 22 being met by the driver.

23
 24 E. Notwithstanding the standards of this section, upon application by a taxi
 25 company or TNC, the Lincoln City Chief of Police has authority to allow a person to
 26 act as a driver if the Chief determines public safety would not be compromised.

27
 28 **10.20.040 Insurance Requirements.**

29
 30 A. For all required insurance, Taxi companies, TNCs, and other vehicles for hire
 31 shall provide certificates of insurance naming the City, its officers, agents, and
 32 employees as additional insured parties and give at least 30 calendar days' notice
 33 to the City before a policy is canceled, expires, or has any reduction in coverage.

34
 35 B. Insurance requirements of this section shall be satisfied by insurance issued by
 36 a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

37
 38 C. The insurance limits for Taxi companies, TNCs, and other vehicles for hire are
 39 subject to statutory changes as to maximum limits of liability imposed on
 40 municipalities of the State of Oregon during the annual term of the license.

1
2 **D. The adequacy of insurance coverage is subject to the review and approval of**
3 **the City Manager. The City Manager and Police Chief are expressly authorized to**
4 **reduce required insurance coverage for other vehicles for hire (e.g. Pedi-Cab).**
5

6 **E. Every Taxi company, TNC, and other vehicle for hire, shall maintain continuous,**
7 **uninterrupted coverage for the duration of the license and any operations in the**
8 **City. Any lapse in insurance coverage, even if it is later backdated by the insurance**
9 **company, is a violation of this chapter.**
10

11 **F. Taxi companies, TNCs, and other vehicles for hire shall secure and maintain**
12 **commercial general liability insurance with limits of not less than \$1,000,000 per**
13 **occurrence and \$2,000,000 aggregate for claims arising out of, but not limited to,**
14 **bodily injury and property damage incurred in the course of operating in the City.**
15

16 **G. Taxi companies operating any motor vehicles shall secure and maintain**
17 **commercial automobile liability insurance covering those vehicles, with a**
18 **combined single limit of not less than \$1,000,000 per occurrence for claims arising**
19 **out of, but not limited to, bodily injury and property damage incurred in the**
20 **course of operating in the City.**
21

22 **H. TNC Service Periods Defined.**

23 **1. Period 1: The TNC driver has logged into the app or is otherwise connected**
24 **to the TNC's digital network, but has not yet accepted a request for a ride from**
25 **a passenger. For example, the app is open and the driver is waiting for a**
26 **match.**

27 **2. Period 2: A passenger match has been accepted, but the passenger is not**
28 **yet picked up (for example, the driver is on the way to pick up the passenger).**

29 **3. Period 3: The passenger is in the vehicle.**
30

31 **I. Upon City request or as part of an application, TNCs shall provide proof of**
32 **current, valid insurance for City approval covering all affiliated TNC drivers and**
33 **vehicles for hire operating for such company and satisfying the minimum**
34 **requirements of Periods 1, 2, and 3.**
35

36 **J. All TNCs shall maintain and provide the City with proof of the following**
37 **automobile liability coverages:**

38 **1. Primary insurance coverage during Period 1 with minimum liability limits**
39 **of \$50,000 per person for death and injury, \$100,000 per incident for death**

1 and injury, and \$25,000 for property damage, plus any other state compulsory
 2 coverage.

3 2. Primary insurance coverage during Periods 2 and 3 with minimum liability
 4 limits of \$1,000,000 in combined single limit coverage for death, personal
 5 injury and property damage per incident; and \$1,000,000 in combined single
 6 limit under/uninsured motorist coverage for death, personal injury and
 7 property damage per incident.

8 3. The required automobile liability insurance shall specifically recognize the
 9 driver's provision of TNC and vehicle for hire services and shall comply with
 10 the laws of the State of Oregon and/or other applicable governing bodies.

11
 12 K. TNC drivers shall be responsible for maintaining all personal automobile
 13 liability insurance required by State law.

14
 15 10.20.045 Annual Inspection of all vehicles for hire.

16
 17 A. Prior to the operation of any vehicle under the provisions of this chapter and at
 18 least annually thereafter, the vehicle shall be thoroughly examined and inspected
 19 by either a certified mechanic or a governmental vehicle inspection entity located
 20 within Lincoln County and shall be found to be in safe operating condition. An
 21 inspection for safe operating conditions must include, but is not limited to,
 22 inspection of brakes including parking brake; all lights, signals and reflectors;
 23 exhaust system; steering system; wipers including washers; suspension
 24 components; mirrors; horn and other warning devices; tires and restraint system.
 25 Record of such inspections, clearly identifying by vehicle license number the
 26 vehicles inspected, must be made available to the city upon initial application and
 27 annual renewal. In this section the term "certified mechanic" means a person
 28 certified by the National Institute for Automotive Service Excellence.

29
 30 B. In addition to the initial and annual inspections required above, inspection or
 31 testing of all parts vital to the safe operation of the vehicle such as brakes,
 32 steering gear, tires, lights, and signaling devices shall be made at the beginning of
 33 each shift or each day by the driver, and as often as necessary during use. Any
 34 condition found then or at any other time that will prevent the safe operation of
 35 the vehicle shall be corrected before the vehicle is used.

36
 37 C. In the event a record of vehicle inspection is not produced within 24 hours of
 38 request, or if the record produced indicates the inspection is more than 12 months
 39 old, the city shall notify the holder of a vehicle for hire license to complete an

1 inspection showing compliance with the standards of this chapter and deliver the
 2 record to the city within 24 hours of the written notice.

3
 4 D. Failure to timely produce a satisfactory record of inspection shall be grounds to
 5 suspend or revoke a certificate and also constitutes a violation of this chapter
 6 subject to enforcement by citation.

7
 8 **10.20.050 Operational Requirements.**

9
 10 A. TNCs shall maintain records of all trips made by all drivers for at least one year
 11 from the date of the trip. The data may be aggregated and/or anonymized, and
 12 shall include, at minimum, the locations by ZIP code of trip origination and
 13 destination, vehicle miles traveled, trip origination and completion times, trip
 14 duration, and passenger wait times from a driver's acceptance of a request to
 15 passenger pick-up. The City may require a TNC to enter a data sharing agreement
 16 in order to receive a license.

17
 18 B. All vehicles operating for taxi companies shall be clearly marked as such and
 19 shall include the taxi company name, phone number, and a vehicle identification
 20 number in plain sight. Vehicles operated for TNC services shall be marked with a
 21 customary "trade dress" type of identification, such as a sticker or placard. The
 22 TNC's software application or website shall display for the passenger the make,
 23 model, and license plate number of the TNC vehicle.

24
 25 C. TNCs may not accept street hails, and may only accept rides arranged through
 26 a TNC's digital network.

27
 28 D. Taxi companies, TNCs, and other vehicles for hire shall implement and
 29 maintain at all times a zero tolerance policy on the use of drugs or alcohol
 30 applicable to all drivers employed by or affiliated with the company while
 31 providing vehicle for hire services. Companies shall provide notice of the zero
 32 tolerance policy on their website and/or have it clearly displayed in each vehicle.
 33 The notice must include contact information to report a complaint about a driver
 34 for possible violation of policy. A company shall immediately suspend a driver
 35 upon receipt of a passenger complaint alleging a violation of the zero tolerance
 36 policy, for at least the duration of the investigation of the complaint.

37
 38 E. Taxi companies, TNCs, and other vehicles for hire shall provide reasonable
 39 accommodations to passengers with disabilities, including passengers
 40 accompanied by a service animal, passengers with hearing and visual impairments,

1 **and passengers with mobility devices, and must comply with all applicable**
 2 **requirements of the Americans with Disabilities Act.**

3
 4 **F. Unless otherwise directed by the passenger, any vehicle for hire driver hired to**
 5 **transport passengers to a definite point shall use the most direct route possible**
 6 **that will carry the passenger to that destination safely and expeditiously.**

7
 8 **G. Every driver, if requested, shall give a correct receipt upon payment of the**
 9 **correct fare.**

10
 11 **H. No person may refuse to pay a lawful vehicle for hire fare after hiring a vehicle**
 12 **for hire.**

13
 14 **I. Whenever a passenger occupies a vehicle for hire, the driver must not permit any**
 15 **other person to occupy the vehicle for hire except with consent of the original**
 16 **passenger.**

17
 18 **J. Taxi companies, TNCs, and other vehicles for hire shall ensure that every vehicle**
 19 **operating under this chapter is to be kept in a clean and sanitary condition.**

20
 21 **10.20.055 Reports to the police department.**

22 **A. Taxi companies, TNCs, and other vehicles for hire shall immediately report to**
 23 **the police department as soon as any of the following events occur:**

- 24 **1. The arrest or conviction for any criminal offense of any officer or principal**
 25 **managing employee of the Taxi company, TNC, or vehicles for hire company,**
 26 **including specifically any offense involving the operation of the company;**
 27 **2. Any accident required to be reported to the state involving a vehicle driven**
 28 **for the company;**
 29 **3. The filing of a lawsuit against or on behalf of the company related to the**
 30 **operation of the company;**
 31 **4. The initiation of bankruptcy proceedings or corporate or partnership**
 32 **dissolution by the company; or**
 33 **5. Any information required to be disclosed by subsection (B) of this section.**

34
 35 **B. Every driver shall report to the police department, and to the company for**
 36 **which he or she drives, the occurrence of the following:**

- 37 **1. Any arrest, charge, or conviction of the driver for any criminal offense, or**
 38 **any traffic violation, that occurs during, or arises out of, the driver's**
 39 **operation of a taxicab, TNC vehicle or other vehicle for hire;**

- 1 2. Any arrest, charge, or conviction of the driver for any criminal offense
 2 including but not limited to, theft, robbery, burglary, assault, sex crimes,
 3 drugs, prostitution, or any related offense;
 4 3. Any vehicle accident required to be reported to the state involving any
 5 vehicle for hire operated by the driver;
 6 4. Any restriction, suspension or revocation of the driver's motor vehicle
 7 driver's license; or
 8 5. Lapse, cancellation, or reduction of coverage of any insurance policy the
 9 city or police department relied on in issuing a license or renewal thereof.

10
 11 **10.20.055 Taxicab Equipment.**

12
 13 **Every taxicab is to be equipped with the following:**

14
 15 **A. Except for taxicabs charging flat rates, a fully functional taximeter with a**
 16 **lighted face which can be read at all times by the customer must be provided by**
 17 **the taxicab. Rates to be charged to passengers are to be based on the following:**
 18 **the mileage from the point of origin to the point of destination by the most direct**
 19 **route, the time involved, and the number of passengers. Taxicabs charging flat**
 20 **rates must be equipped with a sign posting the rate schedule in a place where**
 21 **passengers may readily see the schedule. No taxicab may charge more than the**
 22 **posted rate.**

23
 24 **B. A top light identifying it as a taxicab.**

25
 26
 27 **C. The company name and telephone number where service can be requested**
 28 **displayed on the exterior of the vehicle.**

29
 30 **D. A mobile communication device with a hands-free accessory or "state of the**
 31 **art" taxi radio on a clear coordinated taxicab radio frequency for customer**
 32 **comfort and rapid dispatching of calls for service.**

33 **E. The driver's company identification and the Company's license number**
 34 **conspicuously displayed in a permanent mounted position inside the vehicle, in a**
 35 **place where it can be easily viewed by a passenger.**

36
 37 **10.20.060 Audit.**

38
 39 **The City may audit any taxi company, TNC, or other vehicle for hire records up to**
 40 **twice per calendar year to review compliance with this chapter. An audit shall**

1 occur at a time and location designated by the City. In addition to an audit, the
 2 City may require a company to produce records related to an investigation of a
 3 specific allegation of a violation of this Code or other applicable law, or to
 4 evaluate a complaint. Production of records for an investigation or to evaluate a
 5 complaint does not count toward the twice-per-year auditing limit.
 6 Notwithstanding any other provision of this Chapter, failure to submit to an audit
 7 is a Class B violation.

8
 9 **10.20.070 Revocation, Suspension and Penalties.**

10
 11 **A. In addition to any other enforcement options provided by the code, the City**
 12 **may suspend, revoke, or refuse to issue a license if the taxi company, TNC or other**
 13 **vehicle for hire has violated or not met any of the provisions of this Code. A**
 14 **violation includes any failure to meet or maintain any of the requirements or**
 15 **qualifications set forth in this Code, including the procedures and requirements**
 16 **for obtaining and maintaining a license, as well as the making of any materially**
 17 **false statement or representation. The decision to suspend, revoke or refuse to**
 18 **issue a license may be appealed to the City Council provided there is strict**
 19 **compliance with LCMC 1.26 (Uniform Administrative Appeals) within 10 days of**
 20 **service of the written decision. The company shall have the burden of proving it**
 21 **has complied with all requirements of this Code necessary to obtain or maintain**
 22 **the license. The decision of the City Council on the appeal shall be the final**
 23 **decision of the City.**

24
 25 **10.20.075 Indemnification.**

26
 27 **A. Any recipient of a license to operate as a vehicle for hire within the City shall**
 28 **agree to pay all damages and penalties that the city may legally be required to pay**
 29 **as a result of granting a license and shall agree to defend and indemnify the city**
 30 **against all claims resulting from the granting of such a license. These damages or**
 31 **penalties shall include, but not be limited to, damage arising out of the operation**
 32 **or maintenance of a vehicle for hire as authorized herein, whether or not any act**
 33 **or omission complained of is authorized, allowed or prohibited by this chapter.**

34
 35 **B. The license holder shall pay and, by its application and the granting of a license,**
 36 **specifically agrees that it will pay all necessary and reasonable expenses incurred**
 37 **by the city in defending itself against all damages and penalties mentioned in**
 38 **subsection (A) of this section, including, but not limited to, reasonable attorney**
 39 **fees.**

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10.20.080 Violation- Enforcement- Citation.

A. A violation of any provision of this chapter, including but not limited to operating a vehicle for hire without a license, or in violation of any license or driver requirement herein, shall be enforced as a Class A violation under Chapter 1.16 LCMC.

B. Each day’s violation of a provision of this chapter constitutes a separate offense.

C. The City has the administrative authority to implement and enforce this chapter, including adoption of rules, regulations, or policies. This provision shall not be construed to abrogate or limit the jurisdiction or authority of the Lincoln City Police Department or any law enforcement agency.

10.20.090 Effective Date – Status of Existing Valid Certificates and Permits.

All taxicab certificates and driver permits issued prior to the effective date of this ordinance will expire automatically on December 31, 2022. All Vehicles for Hire operating in the City of Lincoln City shall be licensed under this ordinance on or before January 1, 2023. The initial application from an existing vehicle for hire under this ordinance shall be processed as a new application, not a renewal. Fees shall be pro-rated depending upon assigned quarterly license renewal dates.

**Chapter 10.20
TAXICABS**

Sections:

- ~~10.20.010 Definitions.~~**
- ~~10.20.020 Certificate required.~~**
- ~~10.20.030 Reissuance, transfer, cancellation, suspension or revocation of certificate or permit.~~**
- ~~10.20.040 Surrender of certificate.~~**
- ~~10.20.050 Certificate fees.~~**
- ~~10.20.060 Inspection of vehicles.~~**
- ~~10.20.070 Taxicab maintenance.~~**
- ~~10.20.080 Operating regulations.~~**

1 ~~10.20.090—Equipment.~~
 2 ~~10.20.100—Approval of drivers—Permits required.~~
 3 ~~10.20.110—Insurance requirements.~~
 4 ~~10.20.120—Rates.~~
 5 ~~10.20.130—Complaints.~~
 6 ~~10.20.140—Certificate application requirements.~~
 7 ~~10.20.150—Issuance of certificate.~~
 8 ~~10.20.160—Indemnification.~~
 9 ~~10.20.170—Reports to the police department.~~
 10 ~~10.20.180—Violation—Enforcement.~~
 11 ~~10.20.190—Additional remedies.~~

12
 13
 14 **10.20.010 Definitions.**

15 **A. Except where the context clearly indicates otherwise, the following words**
 16 **shall mean:**

17 **~~“Certificate” means a numbered certificate issued under this chapter to~~**
 18 **~~operate a taxicab business.~~**

19 **~~“Driver” means every person who is, or acts under or at the direction of, the~~**
 20 **~~owner, agent, or employee, and is in charge of operating any taxicab.~~**

21 **~~“Flat rate” is a fare which remains constant regardless of the distance~~**
 22 **~~traveled or time involved.~~**

23 **~~“Limousine” is a chauffeur-driven motor vehicle that carries passengers for~~**
 24 **~~hire where the minimum fare charged is at least \$50.00.~~**

25 **~~“Operate” means to drive a vehicle, to use a vehicle in the conduct of~~**
 26 **~~business, to receive money from the use of a vehicle, or cause or allow~~**
 27 **~~another person to do the same.~~**

28 **~~“Owner” means every person having use or control of any taxicab whether~~**
 29 **~~as owner, lessee, or otherwise.~~**

30 **~~“Permit” means police department authorization of a driver to operate a~~**
 31 **~~taxicab listed in a certificate.~~**

32 **~~“Street” means any street, alley, avenue, road, lane, highway or public place~~**
 33 **~~in the city used for the purpose of public travel.~~**

34 **~~“Taxicab” means any vehicle which carries passengers for hire whose~~**
 35 **~~journey has originated in the city, where the destination and route may be~~**
 36 **~~controlled by a passenger, and the fare is calculated on the basis of any~~**
 37 **~~combination of an initial fee, distance traveled, and delay, or the fare is a~~**
 38 **~~flat rate.~~**

39 **~~B. Any vehicle that has an appearance deceptively similar to a taxicab is a~~**
 40 **~~taxicab for the purposes of this chapter.~~**

1 ~~C. As used in this chapter, "taxicab" does not include licensed ambulances,~~
 2 ~~nonemergency medical transport vehicles, regular route scheduled buses,~~
 3 ~~state-approved buses engaged in charter service, limousines, courtesy~~
 4 ~~vehicles operated by hotels and motels as a convenience for registered~~
 5 ~~guests where no charges are made, vehicles operated for the exclusive use~~
 6 ~~of senior citizens or persons with disabilities, and airport shuttles licensed~~
 7 ~~by the Port of Portland or other ports that license passenger transportation.~~
 8 ~~D. A "nonemergency medical transport vehicle" means a vehicle that carries~~
 9 ~~a person for hire and such person requires nonemergency medical~~
 10 ~~treatment or supervision by an emergency medical technician or first~~
 11 ~~responder certified by the Oregon State Health Division while in the vehicle.~~

12
 13 **10.20.020 Certificate required**

14 ~~No person shall operate any taxicab business in the city without possessing~~
 15 ~~a valid certificate for that business and its vehicles issued pursuant to this~~
 16 ~~chapter, as well as any other license required by law including but not~~
 17 ~~limited to a business occupation tax permit under Chapter 5.04 LCMC.~~

18
 19 **10.20.030 Reissuance, transfer, cancellation, suspension or revocation of**
 20 **certificate or permit.**

21 ~~A. No certificate or permit may be sold, assigned, mortgaged or otherwise~~
 22 ~~transferred without the written consent of the city manager. The city~~
 23 ~~manager may impose conditions with respect to the transfer of a certificate~~
 24 ~~as it may deem to be in the best interest of the public safety and the general~~
 25 ~~welfare.~~

26 ~~B. An application for transfer or reissuance of any certificate or permit is~~
 27 ~~subject to the same terms, conditions, and requirements as the application~~
 28 ~~for original certificate.~~

29 ~~C. Any certificate or permit may be suspended or revoked by the city~~
 30 ~~manager after a hearing under the procedure provided in~~
 31 ~~LCMC 10.20.100(E) at which the certificate holder or permit holder is given~~
 32 ~~an opportunity to appear if any one or more of the following conditions~~
 33 ~~exist:~~

- 34 ~~1. The owner ceases to operate any taxicab for a period of 15~~
 35 ~~consecutive days without obtaining permission to cease such operation~~
 36 ~~from the city manager.~~
 37 ~~2. The owner or permit holder fails to operate the taxicab in~~
 38 ~~accordance with the provisions of this chapter.~~
 39 ~~3. The owner or permit holder fails to pay any of the fees or payments~~
 40 ~~required to be paid by the provisions of this chapter.~~

1 ~~4. The owner or permit holder no longer qualifies for a certificate or~~
 2 ~~permit under LCMC 10.20.100 or 10.20.140.~~

3 ~~D. After the city has issued a certificate with a vehicle list, any change in the~~
 4 ~~driver name or vehicle list (not including elimination of a vehicle from the~~
 5 ~~list) requires the applicant to apply for a new or reissued certificate,~~
 6 ~~including completing an application, paying the application fee, meeting~~
 7 ~~vehicle inspection for additional or replacement vehicles, and meeting~~
 8 ~~insurance requirements for all drivers and additional or replacement~~
 9 ~~vehicles. When all requirements of this chapter are met, the city will issue a~~
 10 ~~new certificate with a new expiration date.~~

11 ~~E. The city may use any means of enforcement authorized by law to enforce~~
 12 ~~the provisions of this section.~~

13
 14 ~~10.20.040 Surrender of certificate.~~

15 ~~Any certificate suspended or revoked by the city manager shall be~~
 16 ~~surrendered to the police department and the operations of any taxicab~~
 17 ~~covered by such certificate shall cease. Any owner who permanently retires~~
 18 ~~any taxicab from taxicab service and does not replace it within 15 days shall~~
 19 ~~immediately surrender any certificate granted for the operation of such~~
 20 ~~taxicab to the police department and the owner may not secure an~~
 21 ~~additional certificate for the operation of any taxicab without making~~
 22 ~~application in the manner provided in this chapter. (Ord. 2012-03 § 2 (Exh.~~
 23 ~~A); Ord. 2005-12 § 1)~~

24
 25 ~~10.20.050 Certificate fees.~~

26 ~~No certificate may be issued, or a taxicab business continue in operation,~~
 27 ~~until the applicant has paid to the city an annual license fee as established~~
 28 ~~by resolution of the city council for each vehicle listed in the certificate or~~
 29 ~~operated within the city. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

30
 31 ~~10.20.060 Inspection of vehicles.~~

32 ~~A. Prior to the operation of any vehicle under the provisions of this chapter~~
 33 ~~and at least annually thereafter, the vehicle shall be thoroughly examined~~
 34 ~~and inspected by either a certified mechanic or a governmental vehicle~~
 35 ~~inspection entity located within Lincoln County and shall be found to be in~~
 36 ~~safe operating condition. An inspection for safe operating conditions must~~
 37 ~~include, but is not limited to, inspection of brakes including parking brake;~~
 38 ~~all lights, signals and reflectors; exhaust system; steering system; wipers~~
 39 ~~including washers; suspension components; mirrors; horn and other warning~~
 40 ~~devices; tires and restraint system. Record of such inspections, clearly~~

~~identifying by vehicle license number the vehicles inspected, must be made available to the city upon initial application and annual renewal. In this section the term "certified mechanic" means a person certified by the National Institute for Automotive Service Excellence.~~

~~B. In addition to the initial and annual inspections required above, inspection or testing of all parts vital to the safe operation of the vehicle such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day by the driver, and as often as necessary during use. Any condition found then or at any other time that will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.~~

~~C. In the event a record of vehicle inspection is not produced within 24 hours of request, or if the record produced indicates the inspection occurred more than 12 months to date, the city shall notify the holder of a certificate to complete an inspection showing compliance with the standards of this chapter and deliver the record to the city within 24 hours of the oral or written notice.~~

~~D. Failure to timely produce a satisfactory record of inspection shall be grounds to suspend or revoke a certificate and also constitutes a violation of this chapter subject to enforcement under LCMC 10.20.180. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

~~10.20.070 Taxicab maintenance.~~

~~Every vehicle operating under this chapter is to be kept in a clean and sanitary condition. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

~~10.20.080 Operating regulations.~~

~~A. Unless otherwise directed by the passenger, any taxicab driver hired to transport passengers to a definite point shall use the most direct route possible that will carry the passenger to that destination safely and expeditiously.~~

~~B. Every driver, if requested, shall give a correct receipt upon payment of the correct fare.~~

~~C. No person may refuse to pay a lawful taxicab fare after hiring a taxicab.~~

~~D. Whenever a passenger occupies a taxicab, the driver must not permit any other person to occupy the taxicab except with consent of the original passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

~~10.20.090 Equipment.~~

~~Every taxicab is to be equipped with the following:~~

1 ~~A. Except for taxicabs charging flat rates, a taximeter in accurate operating~~
 2 ~~condition with a lighted face which can be read at all times by the customer.~~
 3 ~~Taxicabs charging flat rates must be equipped with a sign complying with~~
 4 ~~LCMC 10.20.120 stating "Flat Rate" conspicuous to a passenger upon entry~~
 5 ~~into the taxicab.~~

6 ~~B. A top light identifying it as a taxicab.~~

7 ~~C. The company name and telephone number where service can be~~
 8 ~~requested displayed on the exterior of the vehicle.~~

9 ~~D. A mobile communication device with a hands-free accessory or "state of~~
 10 ~~the art" taxi radio on a clear coordinated taxicab radio frequency for~~
 11 ~~customer comfort and rapid dispatching of calls for service.~~

12 ~~E. The driver's approved city taxicab driver's permit conspicuously displayed~~
 13 ~~in a permanent mounted position inside the vehicle, in a place where it can~~
 14 ~~be easily viewed by a passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 §~~
 15 ~~1)~~

16
 17 ~~7.35.030 Driver Requirements.~~

18 ~~A. All drivers shall be at least 21 years of age and shall possess a valid~~
 19 ~~driver's license, proof of motor vehicle registration, and proof of current~~
 20 ~~automobile liability insurance that meets the requirements of this chapter~~
 21 ~~and state law.~~

22 ~~B. Every taxi company or TNC shall maintain accurate, current records for all~~
 23 ~~drivers employed by, contracting with, or affiliated with the company,~~
 24 ~~including all drivers accessing a company's digital network to operate in the~~
 25 ~~City. The records shall include the driver's name, date of birth, address,~~
 26 ~~social security number, criminal background check results, driver's license~~
 27 ~~information, motor vehicle registration, and automobile insurance. These~~
 28 ~~records will be made available to the City promptly on request.~~

29 ~~C. Prior to permitting a person to operate as a driver, and annually~~
 30 ~~thereafter, the taxi company or TNC shall conduct, or have a qualified third~~
 31 ~~party conduct, a criminal background check. The criminal background check~~
 32 ~~shall include a search of no less than seven years of database history, unless~~
 33 ~~prohibited by law, in which case the duration of the search shall be the~~
 34 ~~maximum number of years permitted by law. The criminal background~~
 35 ~~check shall include local, state, and national criminal history databases and~~
 36 ~~all accessible sex offender registries. Any person who is on a sex offender~~
 37 ~~registry or has a record of a felony conviction within the previous seven~~
 38 ~~years may not act as a driver. A record of a conviction of any of the~~
 39 ~~following within the previous seven years will also disqualify a person from~~
 40 ~~acting as a driver: crimes involving driving under the influence of alcohol or~~

~~controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings.~~

~~D. A taxi company or TNC must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The company shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.~~

~~E. Notwithstanding the standards of this section, upon application by a taxi company or TNC, the Lincoln City Chief of Police has authority to allow a person to act as a driver if the Chief determines public safety would not be compromised. [Ord. NS-2287, 2017]~~

~~10.20.100 Approval of drivers – Permits required.~~

~~It is unlawful for any person to operate a taxicab in the city unless the person has been issued a taxicab driver's permit by the police department in accordance with the terms of this chapter.~~

~~A. Application for a Taxicab Driver's Permit. A person may apply for a taxicab driver's permit by submitting a completed application to the police department accompanied by payment of a fee established by resolution of the city council. The application must include the name, address, age, and Oregon driver's license number of the applicant and a photo of the applicant taken by the police department.~~

~~B. Upon receipt of such application, the police department shall be responsible for investigating the applicant's background as necessary to verify compliance with subsection (C) of this section, including initiating a criminal background check.~~

~~C. The police department shall not issue a taxi driver's permit unless the police department has verified the applicant:~~

- ~~1. Is 21 or more years of age;~~
- ~~2. Possesses a valid Oregon driver's license;~~
- ~~3. Has not had a driver's license revoked by any state within the last five years;~~
- ~~4. Did not make any false statements in the application;~~
- ~~5. Has been investigated by the police department, which has verified the applicant's background is satisfactory.~~

1 ~~a. In conducting the investigation of the applicant, the police~~
2 ~~department shall verify that the applicant has not been convicted~~
3 ~~of any felony or misdemeanor involving a crime against persons as~~
4 ~~defined in ORS Chapter 163, including but not limited to homicide,~~
5 ~~manslaughter, assault, kidnapping, sexual offenses, harassment~~
6 ~~and stalking; or any violation of the Oregon Vehicle Code defined~~
7 ~~as a felony or misdemeanor, including driving under the influence~~
8 ~~of intoxicants as defined in ORS Chapter 813; or any misdemeanor~~
9 ~~involving theft or fraud.~~

10 ~~b. Where an applicant's driver's license has been suspended or~~
11 ~~revoked during the last five years, the police department shall~~
12 ~~verify that the applicant has been satisfactorily reinstated.~~

13 ~~c. Where the application or other information provided by the~~
14 ~~applicant indicates a conviction for violation of ORS~~
15 ~~Chapter 811 (Rules of the Road for Drivers), the police department~~
16 ~~shall investigate the violation and determine whether the nature of~~
17 ~~the violation, when viewed in light of the circumstances of the~~
18 ~~violation and the city's duty to protect the public, is such that a~~
19 ~~reasonable person would believe the driver so convicted is an~~
20 ~~unacceptable risk to public safety. If the person making the~~
21 ~~investigation believes such a risk exists, then the police~~
22 ~~department shall notify the city manager and the applicant that~~
23 ~~the applicant's background check is not satisfactory, and the police~~
24 ~~department shall not issue a permit to the applicant.~~

25 ~~D. If the police department determines that the applicant meets the~~
26 ~~requirements of this chapter, including paying any required fee, the police~~
27 ~~department shall issue the permit.~~

28 ~~E. If the application is denied, or a permit is revoked or suspended, the~~
29 ~~applicant may appeal the decision by submitting an appeal in writing to the~~
30 ~~city manager within seven days of notice of the decision by the police~~
31 ~~department. Within three days of a written appeal, the city manager will set~~
32 ~~a time no later than seven days from the date of the written request to hear~~
33 ~~the appeal. Within three days after the hearing, the city manager shall issue~~
34 ~~a decision either affirming the police department decision or taking other~~
35 ~~action including remanding the application to the police department to~~
36 ~~issue the permit based on the information presented.~~

37 ~~F. Any taxicab driver's permit expires one year from date of issue and may~~
38 ~~be renewed from year to year upon application to the police department.~~
39 ~~The fee for a renewal permit shall be set by resolution of the city council.~~

1 ~~G. As a condition of licensing, a taxicab driver shall agree in writing to~~
 2 ~~notify the city manager within 10 days of conviction of any crime included~~
 3 ~~in subsection (C)(5)(a) or (c) of this section. (Ord. 2012-03 § 2 (Exh. A); Ord.~~
 4 ~~2005-12 § 1)~~

5
 6 **10.20.110 Insurance requirements.**

7 ~~A. No person may drive or operate, or cause to be driven or operated, any~~
 8 ~~taxicab in the city unless the certificate holder has on file with the police~~
 9 ~~department a certificate of insurance written by a responsible and solvent~~
 10 ~~insurance carrier authorized to write insurance policies in Oregon, that it has~~
 11 ~~issued to or for the benefit of the certificate holder or taxicab driver a~~
 12 ~~commercial auto liability policy which is in full force and effect, and~~
 13 ~~designating in such policy the taxicabs which may be driven or operated and~~
 14 ~~the drivers who may operate such taxicabs under this chapter. These~~
 15 ~~requirements are intended to insure the vehicle and its operation by the~~
 16 ~~driver.~~

17 ~~B. The taxicab liability insurance policy shall insure the certificate holder and~~
 18 ~~any other person using or responsible for the use of any such taxicab~~
 19 ~~against loss from the liability imposed upon such operation of such taxicab~~
 20 ~~by law for injury to, or death of, any person, or damage to property growing~~
 21 ~~out of the maintenance, operation or ownership of any taxicab, in the~~
 22 ~~amount of \$1,000,000 combined single limit for bodily injury and property~~
 23 ~~damage.~~

24 ~~C. The policy required in this section shall include a statement that the~~
 25 ~~policy is not cancelable nor the coverage reducible except on 30 days' prior~~
 26 ~~written notice to the police department.~~

27 ~~D. The insurance minimum limits required by subsection (B) of this section~~
 28 ~~apply when the city issues a new license or permit, or reissues or renews a~~
 29 ~~license or permit. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

30
 31 **10.20.120 Rates.**

32 ~~A. Except for a taxicab charging a flat rate, the rates to be charged to~~
 33 ~~passengers are to be based on the following: the mileage from the point of~~
 34 ~~origin to the point of destination by the most direct route, the time~~
 35 ~~involved, and the number of passengers. Each taxicab must be equipped~~
 36 ~~with taximeter to compute the rate. In lieu of a computed rate, a flat rate~~
 37 ~~may be charged.~~

38 ~~B. The rate schedule must be posted in each taxicab in a place where~~
 39 ~~passengers may readily see the schedule. No taxicab may charge more than~~
 40 ~~the posted rate. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

10.20.130 Complaints.

~~Certificate holders shall maintain a record of all complaints received in writing or by telephone and shall keep posted in a conspicuous place in the passenger compartment of each taxicab a statement setting forth the address and telephone number of the owners to which complaints should be directed, and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

10.20.140 Certificate application requirements.

~~A. An application for a certificate shall be filed with the police department. The application must be verified under penalty of perjury and contain or be accompanied by the following information and documentation:~~

- ~~1. The name, business address, and residence address of the owner or person applying.~~
- ~~2. The make, type, year of manufacture and seating capacity of the vehicle(s) for which application for certificate is made.~~
- ~~3. A description of the proposed color scheme, insignia, trade style or any other distinguishing characteristics of the proposed vehicle design.~~
- ~~4. A statement whether the applicant or any officers of the applicant have been convicted of any felony, misdemeanor or violation of any municipal ordinance or state law, including non-moving traffic violations and parking offenses, the nature of the offense and the punishment or penalty assessed.~~
- ~~5. A policy of insurance in the manner and form required under LCMC 10.20.110.~~
- ~~6. Payment of a nonrefundable fee as provided in subsection (B) of this section.~~

~~B. The fee is to be set by resolution of the city council. The resolution shall include an exception to the fee requirement, during the first calendar year or portion thereof in which these regulations apply, in response to a request from a person who has demonstrated current payment of an occupation tax to the city. Such person shall be eligible to apply for a certificate prior to December 31st of that year without payment of the fee as required in subsection (A) of this section.~~

~~C. Before acting on any application for a certificate, the police chief shall be responsible for conducting an investigation of the owner or applicant within 60 days from the date the application is filed. Upon completion of such~~

1 ~~investigation the police chief shall report any findings and decision denying~~
 2 ~~a certificate, in writing, to the city manager and the applicant.~~

3
 4 **10.20.150 Issuance of certificate.**

5 ~~The police department will issue a certificate to operate a taxicab upon~~
 6 ~~approval by the city manager or the city manager's designee that the~~
 7 ~~applicant has met the requirements of this chapter. (Ord. 2012-03 § 2 (Exh.~~
 8 ~~A); Ord. 2005-12 § 1)~~

9
 10 **10.20.160 Indemnification.**

11 ~~A. Any recipient of a certificate of public convenience and necessity shall~~
 12 ~~agree to pay all damages and penalties that the city may legally be required~~
 13 ~~to pay as a result of granting a certificate and shall agree to defend and~~
 14 ~~indemnify the city against all claims resulting from the granting of such a~~
 15 ~~certificate. These damages or penalties shall include, but not be limited to,~~
 16 ~~damage arising out of the operation or maintenance of a taxicab as~~
 17 ~~authorized herein, whether or not any act or omission complained of is~~
 18 ~~authorized, allowed or prohibited by this chapter.~~

19 ~~B. The certificate holder shall pay and, by its application and the granting of~~
 20 ~~a certificate of public convenience and necessity, specifically agrees that it~~
 21 ~~will pay all necessary and reasonable expenses incurred by the city in~~
 22 ~~defending itself against all damages and penalties mentioned in subsection~~
 23 ~~(A) of this section, including, but not limited to, reasonable attorney fees.~~
 24 ~~(Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

25
 26 **10.20.170 Reports to the police department.**

27 ~~A. Every taxicab company shall immediately report to the police department~~
 28 ~~as soon as any of the following events occur:~~

- 29 ~~1. The arrest or conviction for any criminal offense of any officer or~~
 30 ~~principal managing employee of the taxicab company involving the~~
 31 ~~operation of the taxicab company;~~
 32 ~~2. Any taxicab accident required to be reported to the state involving a~~
 33 ~~vehicle driven for the taxicab company;~~
 34 ~~3. The filing of a lawsuit against or on behalf of the taxicab company~~
 35 ~~related to the operation of the taxicab company;~~
 36 ~~4. The initiation of bankruptcy proceedings or corporate or partnership~~
 37 ~~dissolution by the taxicab company; or~~
 38 ~~5. Any information required to be disclosed by subsection (B) of this~~
 39 ~~section.~~

1 ~~B. Every taxicab driver shall report to the police department, and to the~~
 2 ~~company for which he or she drives, the occurrence of the following:~~
 3 ~~1. Any arrest, charge, or conviction of the taxicab driver for any~~
 4 ~~criminal offense, or any traffic violation, that occurs during, or arises~~
 5 ~~out of, the taxicab driver's operation of a taxicab;~~
 6 ~~2. Any arrest, charge, or conviction of the taxicab driver for any~~
 7 ~~criminal offense involving theft, robbery, burglary, assault, sex crimes,~~
 8 ~~drugs, prostitution, or any related offense;~~
 9 ~~3. Any vehicle accident required to be reported to the state involving~~
 10 ~~any taxicab operated by the taxicab driver;~~
 11 ~~4. Any restriction, suspension or revocation of the taxicab driver's~~
 12 ~~motor vehicle driver's license; or~~
 13 ~~5. Lapse, cancellation, or reduction of coverage of any insurance policy~~
 14 ~~the city or police department relied on in issuing a certificate or permit~~
 15 ~~or renewal thereof. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

16
 17 **~~10.20.180 Violation – Enforcement.~~**

18 ~~A. A violation of any provision of this chapter, including but not limited to~~
 19 ~~operating a taxicab service from points originating within the city without~~
 20 ~~holding a valid, approved certificate, or operating a vehicle without a valid,~~
 21 ~~approved taxicab permit, shall be enforced as a Class B violation under~~
 22 ~~Chapter 1.16 LCMC.~~

23
 24 ~~B. Each day's violation of a provision of this chapter constitutes a separate~~
 25 ~~offense. (Ord. 2015-10 §§ 5, 6; Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

26
 27 **~~10.20.190 Additional remedies.~~**

28 ~~Operating a taxi in violation of this chapter is declared detrimental to public~~
 29 ~~health and safety and a nuisance as authorized by LCMC 8.12.130(B). As an~~
 30 ~~alternative to any remedy provided for enforcement, the city may use the~~
 31 ~~abatement procedures of Chapter 8.12 LCMC or institute injunctive or other~~
 32 ~~appropriate proceedings to temporarily or permanently enjoin the~~
 33 ~~operation of a taxi. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)~~

34
 35
 36 **SECTION 2. Findings Adopted.**

37
 38 The findings contained in the Whereas Clauses of this Ordinance, as well as the
 39 competent substantial evidence in the whole record of this legislative proceeding are

1 incorporated into this section by reference as if fully set forth herein, and are adopted in
2 support of this legislative action.

3
4 **SECTION 3. Severability.**

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

8
9 **SECTION 4. Ordinance Effective Date.**

10
11 Pursuant to Chapter IX, Section 9.3, this ordinance takes on the thirtieth (30th) day after
12 its adoption.

13
14 **SECTION 5. Codification.**

15
16 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
17 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
18 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
19 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need
20 not be codified and the City Recorder is authorized to correct any cross-references and
21 any typographical errors.

22
23 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
24 Section 9.2 of the City of Lincoln City Charter on the 14th day of March, 2022 (First
25 Reading). Changes to the Ordinance were read on March 28, 2022. The Ordinance was
26 again read by title only on the 28th day of March, 2022 (Second Reading) and Council
27 approved Second Reading and adoption of the Ordinance.

28
29 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of
30 March, 2022.

31
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33
34 _____
35 SUSAN WAHLKE,
36 MAYOR

37
38 ATTEST:
39

1 _____
2 JAMIE YOUNG, CITY RECORDER

3

4

5

6 APPROVED AS TO FORM:

7

8 _____
9 RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2022-13 Public Contracting

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2022-13 entitled:

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2. (ADMINISTRATION AND PERSONNEL), CHAPTER 2.05 (PUBLIC CONTRACTS), SECTION 2.05.090 (PERSONAL SERVICES CONTRACTS), PARAGRAPH I, TO INCREASE THE DURATION OF THE PRE-QUALIFIED SERVICE PROVIDERS FROM ONE TO THREE YEARS.

Staff recommends Council conduct First Reading of Ordinance 2022-13 and, *if unanimous*, Conduct and approve Second Reading. Any changes must be read.

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:

Staff requested that the Code exemption for Personal Services contracts be conformed to past practice – i.e. that the qualification process occur every three years, rather than every year.

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. Read changes, if any. Continue Second Reading to April 11, 2022, [or]
3. Continue First Reading to April 11, 2022.

Potential Motions:

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

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2. (ADMINISTRATION AND PERSONNEL), CHAPTER 2.05 (PUBLIC CONTRACTS), SECTION 2.05.090 (PERSONAL SERVICES CONTRACTS), PARAGRAPH I, TO INCREASE THE DURATION OF THE PRE-QUALIFIED SERVICE PROVIDERS FROM ONE TO THREE YEARS.

Council:

Motion to approve First Reading of Ordinance 2022-13.

If unanimous: City Attorney conducts Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-13.

[or]

2. Motion to set Second Reading for April 11, 2022.

Attachments:

FINAL Ordinance 2022-13 for 3-28-22 (DOCX)

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2. (ADMINISTRATION AND PERSONNEL), CHAPTER 2.05 (PUBLIC CONTRACTS), SECTION 2.05.090 (PERSONAL SERVICES CONTRACTS), PARAGRAPH I, TO INCREASE THE DURATION OF THE PRE-QUALIFIED SERVICE PROVIDERS FROM ONE TO THREE YEARS.

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

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

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; and

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); *La Grande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the City's personal services contract requirements include authorization for an exemption from competitive bidding provided the contractor is selected from a list of qualified contractors. The exemption currently requires the pre-qualification process be conducted on an annual basis, Public Works staff requests the Council extend the duration of the prequalification to three years; and

WHEREAS, Council desires to extend the pre-qualification process exemption for personal services contracts as requested by staff; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

1 **SECTION 1.** Lincoln City Municipal Code Title 2 (*Administration and Personnel*), Chapter 2.05
2 (*Public Contracts*), Section 2.05.090 (*Personal Services Contracts*), Paragraph I, is amended to read
3 as follows:

4
5 I. The selection procedures described in this section may be waived by the city manager,
6 at his or her discretion, **under the following circumstances: where**

7 (1) an emergency exists that could not have been reasonably foreseen and
8 requires such prompt execution of a contract to remedy the situation that there is not
9 sufficient time to implement selection procedures; **or,**

10 (2) selection is from **an approved** list of **qualified service** providers with similar
11 qualifications and **placement on the list selection** is determined based upon **a an**
12 **annual** qualification process **conducted at least every three years;** **or,**

13 (3) **the work is** follow-on work and a change in contractor would clearly result in
14 increased costs or increased time.

15 **SECTION 2. Findings Adopted.**

16
17 The findings contained in the Whereas Clauses of this Ordinance, as well as the
18 competent substantial evidence in the whole record of this legislative proceeding are
19 incorporated into this section by reference as if fully set forth herein, and are adopted in
20 support of this legislative action.

21
22 **SECTION 3. Severability.**

23 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
24 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
25 the remaining sections, subsections, paragraphs and clauses.

26
27 **SECTION 4. Ordinance Effective Date.**

28
29 Pursuant to Chapter IX, Section 9.3, this ordinance takes on the thirtieth (30th) day after
30 its adoption.

31
32 **SECTION 5. Codification.**

33
34 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
35 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
36 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
37 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need
38 not be codified and the City Recorder is authorized to correct any cross-references and
39 any typographical errors.

40

1 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
2 Section 9.2 of the City of Lincoln City Charter on the 28th day of March, 2022 (First
3 Reading). The Ordinance was again read by title only on the 28th day of March, 2022
4 (Second Reading) and Council approved Second Reading and adoption of the Ordinance.
5

6 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of
7 March, 2022.
8
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10 _____
11 SUSAN WAHLKE,
12 MAYOR
13

14 ATTEST:
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18 JAMIE YOUNG, CITY RECORDER
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22 APPROVED AS TO FORM:
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24 _____
25 RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2022-14 Appointive Bodies Recruitment

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2022-14 entitled:

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.06 (CITY APPOINTIVE BODIES), AMENDING SECTION 2.06.015 (RECRUITMENT AND APPOINTMENT PROCESS), PARAGRAPH A. (RECRUITMENT), TO CLARIFY THE OPEN PERIOD FOR RECEIPT OF APPLICATIONS TO FILL VACANCIES ON BOARDS AND COMMISSIONS.

Staff recommends Council conduct First Reading of Ordinance 2022-14 and, *if unanimous*, Conduct and approve Second Reading. Any changes must be read.

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 City Council desires to clarify the open period for receipt of applications to fill vacancies on Boards and Commissions

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. Read changes, if any. Continue Second Reading to April 11, 2022, [or]
3. Continue First Reading to April 11, 2022.

Potential Motions:

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

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.06 (CITY APPOINTIVE BODIES), AMENDING SECTION 2.06.015 (RECRUITMENT AND APPOINTMENT PROCESS), PARAGRAPH A. (RECRUITMENT), TO CLARIFY THE OPEN PERIOD FOR RECEIPT OF APPLICATIONS TO FILL VACANCIES ON BOARDS AND COMMISSIONS.

Council:

Motion to approve First Reading of Ordinance 2022-14.

If unanimous: City Attorney conducts Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-14.

[or]

2. Motion to set Second Reading for April 11, 2022.

Attachments:

FINAL Ordinance 2022-14 Appointive Bodies Recruitment (DOCX)

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.06 (CITY APPOINTIVE BODIES), AMENDING SECTION 2.06.015 (RECRUITMENT AND APPOINTMENT PROCESS), PARAGRAPH A. (RECRUITMENT), TO CLARIFY THE OPEN PERIOD FOR RECEIPT OF APPLICATIONS TO FILL VACANCIES ON BOARDS AND COMMISSIONS.

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

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

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; and

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, the City Council desires to clarify the open period for receipt of applications to fill vacancies on Boards and Commissions;

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code Title 2 (*Administration and Personnel*), Chapter 2.06 (*City Appointive Bodies*), Section 2.06.015 (*Recruitment and Appointment Process*), Paragraph A. (*Recruitment*) is amended to read as follows:

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A. Recruitment. The city recorder shall regularly provide notice of vacancies on city appointive bodies by doing the following:

- 1. Email vacancy notices to council, and city officers and employees;
- 2. Email or fax vacancy notices to the "media group"(i.e., radio stations, newspapers);
- 3. Post vacancy notices on bulletin boards at City Hall and transmit vacancy notices for posting at Driftwood Library and Lincoln City Community Center;
- 4. Provide applications for pick up at information desk and administration offices;
- 5. Email vacancy notices to recognized neighborhood associations;

The city recorder may also, but is not required to, place ads in the local newspaper of record or place vacancy notices on the city website.

Positions shall be held open for applications initially for 30 days and if no applications are received, the application submission deadline shall be extended for an additional 30 days.

SECTION 2. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 3. Severability.

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

SECTION 4. Ordinance Effective Date.

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

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SECTION 5. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 28th day of March, 2022 (First Reading) and on the 28th day of March, 2022 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of March, 2022.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Resolution 2022-10: Revisions to City Administration Fee Schedule

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	

Question:

Should the City Council approve Resolution 2022-10 which approves revisions to the City Administration (Administrative Fees – Business Related) fee schedule?

Staff Recommendation:

Staff recommends the Council approve the revised City Administration fee schedule as submitted. The following Fees were moved out of the Department of Planning and Community Development and are assigned to City Administration. These changes will be incorporated into the Master Fee Schedule for the City when it is brought forward in June.

Home occupation Permit: \$50 (To be moved to City Administration)
 Seasonal Permit: \$25 (To be moved to the City Administration)
 Street Vacation: \$850 (To be moved to the City Administration)
 Street Vendors: \$25 (To be moved to the City Administration)
 Vacation Rental Dwelling License Fee: \$100 (To be moved to the City Administration)
 Vacation Rental Dwelling License Renewal – Annual: \$100 (To be moved to the City Administration)
 Vacation Rental Dwelling License Renewal Late Fee: \$150 (To be moved to the City Administration)
 Mobile Food Unit License: \$100 (To be moved to the City Administration)
 Temporary Display of Merchandise Outside Permit: \$25 (To be moved to the City Administration)

Note: If staff has substantial competent evidence to justify an increase for a fee or charge, (such as the completion of a fee study), staff will bring forward the proposal for public comment under ORS 294.160 and approval by resolution.

Authority:

ORS 294.160 mandates that the City provide an opportunity for public comment when fees or charges are established or increased. [None of the City Administration fees moved from Planning and Community Development are proposed to be increased at this time].

Background:

On March 14, 2022, City Council passed Resolution 2022-07 in which the Department of Planning and Community Development revised their fee schedule. Several items on that fee schedule moved already established fees from the Planning Department to the City Administration (Administrative Fees – Business Related). This Resolution addresses those changes. Again - no fees or charges are being increased in this Resolution and no other section of the fee schedule is being changed.

Council Options:

Approve Resolution 2022-10 as submitted.

Do not approve Resolution 2022-10.

Potential Motions:

Motion to approve Resolution 2022-10.

Attachments:

Resolution 2022-10 Revisions to City Administrative Fee Schedule (DOCX)

Administrative Fee Schedule Changes - Resolution 2022-10 (PDF)

RESOLUTION NO. 2022-10**A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO THE
CITY ADMINISTRATION (ADMINISTRATIVE FEES – BUSINESS RELATED) FEE
SCHEDULE**

WHEREAS, the City of Lincoln City has established fees and charges for various applications; and

WHEREAS, on March 14, 2022 the City of Lincoln City passed Resolution 2022-07 which included moving several fees from Planning and Community Development to City Administration; and

WHEREAS, ORS 294.160 mandates that the City provide an opportunity for public comment when fees or charges are established or increased; and

WHEREAS, none of the City Administration Fees moved from Planning and Community Development are being increased at this time; and

WHEREAS, Council desires to approve the placement of fees under City Administration as set forth herein; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF LINCOLN CITY, AS FOLLOWS:**

Section 1. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. The schedule of fees and charges are hereby adopted as the current fees and charges for the City of Lincoln City, the above-referenced fees and charges being incorporated herein by this reference.

Section 3. The above referenced fees and charges will be incorporated into the omnibus fee resolution to be adopted later this year.

Section 4. This Resolution is effective as of the date of its adoption.

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PASSED AND APPROVED by the City Council of the City of Lincoln City,
Oregon, this 28th day of March, 2022.

SUSAN WAHLKE
MAYOR

ATTEST:

JAMIE YOUNG
CITY RECORDER

APPROVED AS TO FORM

RICHARD APPICELLO
CITY ATTORNEY

**CITY OF LINCOLN CITY FEE
SCHEDULE
Revised - Effective Date March 28, 2022**

	A	H	I
1	CURRENT		
2	FEE		
3	PROPOSED		
3	NEW FEE		
3	ADMINISTRATIVE FEES - Business Related		
4	Alarm Permits - Commercial	\$75.00	
5	Alarm Permits - Residential	\$50.00	
6	Liquor License - Original Application	\$100.00	
7	Liquor License - Change of Ownership/Location/or Privilege	\$75.00	
8	Liquor License- Renewal/Temp Sales/Temp Use of Annual License	\$35.00	
9	Occupation Tax Permit (OTP):		
10	Application Fee	\$50.00	
11	Annual Fee	\$100.00	
12	Associate Fee	\$10.00 per person	
13	Display of Outdoor Merchandise - Seasonal	\$25.00	
14	Display of Outdoor Merchandise - Temporary	\$25.00	
15	Fireworks Display Permit	\$25.00	
16	Home Occupation Permit	\$50.00	
17	More Than Three (3) Employees	\$10.00 per each employee	
18	Space/Booth/Table Inside Business	\$20.00 each	
19	Street Vendor	\$25.00	
20	Seasonal Permit	\$25.00	
21	Street Vacation	\$850.00	
22	Street Vendors	\$25.00	
23	Vacation Rental Dwelling License Fee	\$100.00	
24	Vacation Rental Dwelling License Renewal – Annual	\$100.00	
25	Vacation Rental Dwelling License Renewal – Late Fee	\$150.00	
26	Mobile Food Unit License	\$100.00	
27	Temporary Display of Merchandise Outside Permit	\$25.00	
28	Home Occupation Permit	\$50.00	
29	ADMINISTRATIVE FEES - Miscellaneous		
30	Audio Tapes (<i>per 90 minute cassette</i>)	\$15.00	
31	CD's	\$15.00	
32	Computer Generated Reports	\$.50 per screen page	
33	Credit Card Fees:		
34	Utility Billing, Municipal Court Payments, Parks and Rec	No charge	
35	Drop Box Account (private)	Actual Cost	
36	DVD's	\$15.00	
37	Drop Box Account (private)	Actual Cost	
38	E-Mailing Documents	No charge	
39	Fax Transmission	\$5.00 first page/\$1.00 add'l page	

**CITY OF LINCOLN CITY FEE
SCHEDULE
Revised - Effective Date March 28, 2022**

40	GIS Maps (On CD)	\$150.00
41	GIS Maps (Paper)	\$100.00 per hour
42	Initiative Petition Filing Fee (Non-refundable)	\$280.00
43	Initiative Referendum Filing Fee (Non-refundable)	\$140.00
44	Initiative Petition or Referendum Final Filing Fee	\$500.00
45	Lien Search	\$25.00
46	Mailing	Actual Cost
47	Map Copies (<i>black and white sheets 24" x 36"</i>)	\$3.00 per sheet

Council Communication

Resolution 2022-12 Process for Complaints Against Direct Reports

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 min

Question:

Should the City Council approve Resolution 2022-12 concerning the process for complaints against direct reports?

Staff Recommendation:

Staff recommends approval of Resolution 2022-12.

Authority:

3.6 Appointive Officers.

(1) The city manager, municipal judge, and city attorney are appointive officers of the city who shall be appointed by the affirmative vote of four or more members of the council for an indefinite term, to hold office at the pleasure of the council and who may be removed at any time by the affirmative vote of four or more members of the council.

(2) The council may combine any two or more appointive offices, except the offices of the city manager and the municipal judge, or city attorney and municipal judge. In no instance shall the municipal judge in the exercise of judicial functions or the city attorney be subject to supervision by any other officers.

Background

The attached Resolution established the process for review of complaints, usually in the context of annual evaluations, for direct reports.

Recommendation

Staff recommends approval of Resolution 2022-12.

Council Options:

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

Financial Impact

No financial impacts to City.

Potential Motions:

Move to approve Resolution 2022-12 [or]

Move to approve Resolution 2022-12, with the following amendments. [or]

Move to reject the proposed Resolution.

Attachments:

Resolution 2022-12 Direct Report Complaint process (DOCX)

RESOLUTION 2022-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN CITY ESTABLISHING A
PROCESS FOR COMPLAINTS AGAINST DIRECT REPORTS**

WHEREAS, the Lincoln City Charter provides that three positions report directly to the City Council: the City Manager, the City Attorney and the Municipal Judge (i.e. the direct reports).

WHEREAS, performance evaluations of the these direct reports are performed by the City Council; and

WHEREAS, complaints regarding the conduct of direct reports need to be heard by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

Section 1. The process described in Exhibit "A" shall be used for review of complaints against direct reports.

Section 2. This resolution is effective as of the date of its adoption.

PASSED AND APPROVED by the City Council of the City of Lincoln City this 28th day of March 2022.

SUSAN WAHLKE, Mayor

ATTEST:

JAMIE YOUNG

APPROVED AS TO FORM:

**RICHARD APPICELLO
CITY ATTORNEY**

EXHIBIT A

39
40
41 **Executive session evaluations for direct reports shall be noticed to include the**
42 **possibility of review of, complaints, if any, during the review period:**
43

44 **Authority:**

45
46 **ORS 192.660(2)(i) (To review and evaluate the employment-related**
47 **performance of the chief executive officer of any public body, a public**
48 **officer, employee or staff member who does not request an open hearing)**
49

50 **ORS 192.660(2)(f) To consider information or records that are exempt by**
51 **law from public inspection.**
52

53 **ORS 192.660(2)(b) To consider the dismissal or disciplining of, or to hear**
54 **complaints or charges brought against, a public officer, employee, staff**
55 **member or individual agent who does not request an open hearing.**
56

57 **Subject(s):**

58
59 ***"insert direct report position here "* evaluation, complaints, if any, during**
60 **evaluation period, and related confidential records**
61

62 **Employee Notice: – Be advised, for executive sessions to consider evaluations or**
63 **hear complaints, the employee has the right to request an open hearing. If an**
64 **open hearing is requested in writing [e.g. email to City Recorder] before the start**
65 **of this executive session, the executive session will be cancelled and the matter will**
66 **be scheduled for an open hearing at future City Council meeting.**
67

68
69 **Whether or not a complaint occurs inside or outside of the evaluation process, if**
70 **there is a complaint against a direct report, staff recommends that HR first contact**
71 **CIS and determine whether an outside investigator should be hired. The**
72 **subsequent executive session would be noticed per ORS 192.660(2)(b) with the**
73 **appropriate notice to the employee.**
74

75 **All existing personnel policies applicable to complaints continue to apply.**
76
77

Council Communication

Logan Culvert Replacement Design Contract

Meeting Date:	March 28, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 minutes

Question:

Should the City Council direct Staff to enter into a contract with PBS Environmental and Engineering, Inc. (**PBS**) for the Logan Culvert Replacement Design Project amount of \$97,220.00?

Staff Recommendation:

Staff recommends City Council direct Staff to enter into a contract with PBS for the Logan Culvert Replacement Design Project amount of \$97,220.00.

Authority:

Per Lincoln City Municipal Code 2.05.080 Exemptions.

I. The selection procedures described in this section may be waived by the city manager, at his or her discretion, where (1) an emergency exists that could not have been reasonably foreseen and requires such prompt execution of a contract to remedy the situation that there is not sufficient time to implement selection procedures, (2) selection is from a list of providers with similar qualifications and selection is determined based upon an annual qualification process, or (3) follow-on work and a change in contractor would clearly result in increased costs or increased time. (Ord. 2013-15 § 6; Ord. 2005-04 § 1)

Background:

This project has a long history beginning with reported backups during storm events due to the size and function of the culvert serving Logan Creek under Logan Road. In February 2022, staff gave a presentation on the status of this project and recommended moving forward with the culvert replacement design. Council directed staff to continue onto the design phase.

In 2021, PBS performed preliminary studies, a Wetland Determination and Jurisdictional Waters Delineation. PBS also performed a Basin Hydrologic Analysis. The next phase is

design, which will include a detailed analysis of Logan Creek and the design of a new culvert. The complete scope of work is attached. Staff is recommending this contract be awarded to PBS as follow-on work and a change in consultant would clearly result in increased costs or increase time. If we selected another consultant, they would need to come fully up to speed on the work performed to date (hours of reading and site visits), and would not be as intimately familiar with the project as the PBS staff who performed Delineation and Hydraulic Analysis.

Council Options:

Award the contract or not award the contract.

Financial Impact

The Project is funded through funds from Lincoln County that we paid to Lincoln City during the transfer Logan Road. The total amount from the County is \$415,000.00. To date we have spent \$45,428.70. The fund balance is \$369,571.20. The account is Street Capital Fund 211-000-4303140.

Potential Motions:

Move to direct Staff to enter into a contract with PBS for the Logan Culvert Replacement Design Project amount of \$97,220.00.

Move to not award the contract.

Attachments:

Proposed Scope of Work

Attachments:

PBS-LoganStCulvertScope of Work FNL (PDF)

LOGAN CULVERT REPLACEMENT

Environmental & Civil Engineering Design Services

SCOPE OF WORK

February 17, 2022

PBS Engineering and Environmental Inc. (PBS) is pleased to submit this proposal to the City of Lincoln City (City) to provide design services for the Logan Road Culvert Replacement Project (Project). This project will provide a detailed analysis of Logan Creek and the design of a new fish passage culvert crossing of NW Logan Road north of NE Sal La Sea Drive. An alternative analysis will be performed in order to select a preferred culvert structure type.

PROJECT UNDERSTANDING

PBS understands the main intent of the project is to replace the undersized culvert crossing NE Logan Road, north of NE Sal La Sea Drive. The existing culvert crossing is listed as a fish passage barrier and therefore the replacement culvert will address fish passage requirements. PBS will provide environmental permitting services along with culvert engineering design services.

The detailed hydrology and hydraulics analysis of Logan Creek will incorporate the preferred alternative culvert crossing of NE Logan Road. In addition, the analysis will include the existing culvert crossing of NE Sal La Sea Drive and the existing driveway culvert providing access to the property located at 6110 NE Sal La Sea Drive. This analysis will evaluate the change in backwater conditions, flooding, with the implementation of the fish passage culvert crossing of NE Logan Road.

PBS's scope of work for this project will be the preparation of a culvert replacement design, culvert specific special provisions for items not addressed by Oregon Department of Transportation (ODOT) Standard Specifications, and a cost estimate for PBS culvert designed items. PBS understands that the City of Lincoln City will stamp and sign non-culvert specific project design items and drawings such as Cover Sheet, Demolition, Erosion Control, Utility Relocation, Street Restoration, and Restoration Planting Plans. PBS will provide support for the creation and development of non-culvert specific design items to be stamped and signed by the City.

It is anticipated that the City of Lincoln City will be prepared to bid and construct the project in 2023. The PBS team plans to utilize field information gathered during the initial, existing conditions hydraulic analysis phase of the project, as augmented with additional topographic information provided by the City, to complete the culvert design.

Project General Assumptions:

1. The City shall establish right of way entry permission for PBS staff to complete the work.
2. The City will provide Topographic Survey of the project area including the area along the driveway culvert at 6110 NE Sal La Sea Drive and 100 feet upstream and downstream of the driveway culvert.
3. City staff will prepare and submit the 1200-C permit, if required
4. The City will contract directly with an archeologist
5. All meetings will be held virtually

SCOPE OF SERVICES

TASK 1: PROJECT MANAGEMENT

PBS shall oversee project tasks and coordinate with City representatives to manage project scope, schedule, and budget. This task includes project coordination and meetings necessary to complete project design and permitting. The project timeline is assumed to be 10 months.

Subtask 1.1: Contract Administration, Invoicing, and Progress Reports

This subtask includes the following:

1. Prepare and submit monthly invoices. Each invoice will include date period covered by invoice, total number of hours invoiced, with billing rates shown; expenses and associated mark ups; and total amount summarizing labor, and expenses invoice period.
2. Prepare and maintain project design schedule. The project design schedule shall identify PBS tasks and City tasks required for project delivery. The schedule shall be updated as circumstances require or as requested by the City.
3. Project Management. General coordination with City and continuous monitoring of project progress and resources.
4. Maintain contract-required project documentation. Provide copies of project files and records to the City as requested.

Deliverables:

1. Monthly Invoices
2. Project Design Schedule and updates
3. Project Documentation

TASK 2: ALTERNATIVE ANALYSIS

This alternative analysis will evaluate 2 culvert structure types for the culvert crossing of NE Logan Road. Precast culvert structures will be evaluated based upon constructability and maintenance requirements. The alternative analysis will be developed to a 15% design level.

The alternative analysis will expand the previous site Hydrology and Hydraulics analysis to address fish passage culvert design requirements and the preferred fish passage culvert alternative.

Task Assumption:

City will coordinate and communicate alternatives to the neighbors, Oregon State Parks, utility companies and stakeholders.

Deliverables:

1. 2-2 sheet alternatives (PDF).
2. One 15% 4-sheet design set (PDF).
3. Preliminary fish passage culvert Hydrology & Hydraulics Report

TASK 3: ENVIRONMENTAL PERMITTING

Subtask 3.1 Joint Permit Application

Work within wetlands and waters will require approval from the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers (USACE). The approval application takes the form of a Joint Permit Application and related graphics and narrative. We are expecting that the project will be permitted by the USACE under Nationwide Permit 27 for aquatic habitat restoration activities and that Endangered Species Act (ESA) compliance will be facilitated using the existing Standard Local Operating Procedures for Endangered Species (SLOPES) biological opinion.

Subtask 3.2 Fish Passage Application

The Oregon Department of Fish and Wildlife (ODFW) will have to review and formally determine that the submitted design will meet the State's fish passage requirements. PBS will prepare and submit a fish passage review package to ODFW for review and approval.

Subtask 3.3 Agency Coordination

PBS permitting staff will prepare for and attend up to three meetings with representatives of regulatory agencies and City staff to discuss the project and receive feedback on permit submittals and supporting documents. Staff will also coordinate with agency staff and the City via email and telephone as required.

Task Assumptions:

1. Coordination will include contact with USACE, ODFW, DSL, and other City identified stakeholders
2. Meeting attendance as required – assume 4 meetings
3. No compensatory wetland mitigation will be required for the project
4. The project will not avail of federal funding that would necessitate NEPA review
5. PBS will respond to one round of revisions after initial review by the City
6. PBS is not responsible for permit fees

Deliverables:

1. Draft Joint Permit Application Package review by the City (MS Word format)
2. Draft Joint Permit Application Package for permit submittal (PDF format)
3. One draft copy of fish passage review application for review by the City (MS Word format)
4. One final copy of the fish passage review application for submission to ODFW for review (PDF format)

TASK 4: PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)

The preferred alternative will be advanced to a 75% design level. The plan sheets and project design will be developed to City standards and using ODOT standard bid items or culvert related project-specific bid items. Anticipated design plans for the 75% submittal include the following sheets: PBS will provide drafting support for all the sheets noted as (City). These sheets will be set up by PBS staff for city design, review and red lines.

Plan Sheets	Number of Sheets
Project Cover Sheet and General Notes (City)	2
ROW and Alignment	1
Demolition and Utility Relocation Plan (City)	1
Roadway Plan Over Profile	1
Creek Plan over Profile	3
Culvert Details	2
Creek Grading Details	2
Roadway Details (City)	1
Erosion Control Plan & Details (City)	3
Planting Plan and Details (City)	3
Total	19

Task Assumptions:

1. The City will sign and stamp the non-culvert design drawings, including but not limited to the following: cover sheet, general notes, site preparation, erosion control, utility relocations, road improvements, restoration planting, and any repair work needed to be done at the Oregon State Park property with support from PBS.
2. The City will design the relocation of the existing sewer facilities at the culvert crossing and any other utility relocation required by the project with support from PBS.
3. The City will prepare the PS&E portions of all the non-culvert related portions of the project.
4. It is not anticipated that any structures will be designed that require structural engineering, as the intention is to use precast concrete structures on the project.
5. PBS will develop Special Provisions to be included by the City in the Bid Package.

Deliverables:

1. 75% culvert related PS&E package as described above (PDF format)
2. 75% fish passage culvert Hydrology & Hydraulics Report (PDF format)
3. Attendance at one meeting

TASK 5: 100% PS&E

PBS will advance the plans to a 100% design level, which includes completion of design details and addressing all comments made on the 75% plans. The design will reflect key stakeholder comments, and other projects in the near vicinity. No more plans sheets are anticipated to be developed for the 100% culvert design package, as design plan progression and detailing will be substantially completed (however, additional detail sheets may be required at this stage).

Project-specific Special Provisions will be substantially completed for City review and comment.

PBS will advance the culvert related cost estimate based on 100% design information. Supporting information for quantities and lump-sum breakdowns will be developed as required.

Task Assumptions:

1. The City will assemble the appendix documents, which will include required City documents and project-specific documents that will be released as part of advertisement/bid documents.
2. The City will advance their portion of the PS&E to 100%

Deliverables:

1. 100% culvert related portions of the PS&E package (PDF format).
2. Responses to City comments on 75% PS&E (either MS Word or PDF format).

TASK 6: BID PS&E

PBS will respond to all 100% comments received from the City and assist with finalizing the Bid Set.

Task Assumptions:

1. Final construction culvert related portions of the PS&E will be sent electronically without hard copies
2. Comment responses may be made in Word or PDF format

Deliverables:

1. Final Construction of the culvert related PS&E package (PDF format)
2. Responses to City comments on 100% PS&E package (MS Word or PDF format)
3. Final fish passage culvert Hydrology & Hydraulics Report (PDF format)

TASK 7: CONSTRUCTION PERIOD SERVICES

PBS will provide bid and award support to the City to issue advertised plans, answer requests for information (RFIs) during the bidding process, and issue addenda due to changes in design.

We estimate a total of 30 hours for this task.

Deliverables

- 1. Up to five responses to RFIs and up to one project addendum (PDF format).

COMPENSATION ESTIMATE

The following outlines the estimated costs associated with the scope of work.

Task 1 - Project Management	\$7,840
Task 2 - Alternative Analysis	\$12,260
Task 3 - Environmental Permitting	\$14,260
Task 4 - 75% PS&E	\$24,300
Task 5 - 100% PS&E	\$19,780
Task 6- Bid PS&E	\$11,890
Task 7- Construction Period Services	\$5,940
Reimbursables	\$950
Total	\$97,220

This cost estimate includes all labor, materials, transportation, equipment, and other expenses required to complete the work described.

Council Communication

City Manager Lila Bradley Contract

Meeting Date:	March 28, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Abigail Edwards
Approval:	Richard Appicello	Estimated Time:	5 mins.

Question: Should the City Council approve the City Manager contract with Lila Bradley to serve as City Manager for a term to end on April 24, 2022?

Staff Recommendation:

Staff recommends approval of the contract. See Internal Advisory Communication.

Authority: Lincoln City Charter

3.6. Appointive Officers

(1) The city manager, municipal judge, and city attorney are appointive officers of the city who shall be appointed by the affirmative vote of four or more members of the council for an indefinite term, to hold office at the pleasure of the council and who may be removed at any time by the affirmative vote of four or more members of the council.

Background:

Ms. Bradley's Interim City Manager contract expires about a week before the new manager arrives. On March 14, 2022 the Council directed that a contract be entered into with Interim City Manager Lila Bradley to serve as "City Manager" until the start date for Ms. Legarza [April 25, 2022]. This appointment obviates the need to submit hiring and firing decisions to Council for approval on the consent agenda.

This City Manager contract [appointment] is to run from Tuesday March 15, 2022 thru April 24, 2022. Ms. Bradley requested additional compensation over what was stated at the time of the motion. Staff has detailed this in an internal advisory communication.

Staff has added provisions to allow Ms. Bradley to continue to serve as a consultant up to 20 hours per week for a stated hourly rate - to the end of the fiscal year (much like Mr. Hawker) to aid in the transition process.

Council Options:

1. Approve contract.
2. Do not approve contract. [reconsider prior motion].

Potential Motions:

Motion to approve contract with Lila Bradley.