



CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JUNE 8, 2020 6:00 PM

6:00 PM - The Lincoln City Council meeting for June 8, 2020 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 and those comments will be read aloud during the either the public comment portion of the agenda, or will be read as testimony as it relates to a Public Hearing/Public Comment agenda item. The City Recorder will be provided a copy of the comments for the official record.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required to observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

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 Cathy Steere, 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 "Agenda, Packets & Video". This meeting will be televised live 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
- E. COUNCIL DELIBERATIONS - NONE
- F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

G. PRESENTATIONS - NONE

H. PUBLIC HEARINGS / PUBLIC COMMENTS

1. CPA & ZC Scrutton, et al zone change - request for approximately 2.06 acres to be changed to a comprehensive plan map designation of Commercial-Recreation District and a zone designation of Recreation-Commercial (RC) Zone.
2. ANNEX 2020-01 CPA/ZC 2020-02 - request to annex approximately 11.15 acres with a comprehensive plan map designation of Single-Family Residential District and a zone of Single-Family Residential (R-1-5)
3. Public Hearing: Resolution 2020-12 State Revenue Sharing
4. Public Hearing: Resolution 2020-15 Adopt FY2020-21 Budget
5. Public Comment: Resolution 2020-13 Setting Water/Sewer Rates

I. ORDINANCES - NONE

J. RESOLUTIONS

6. RESOLUTION NO. 2020-12: A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES
7. RESOLUTION NO. 2020-13: A RESOLUTION SETTING FORTH WATER/SEWER RATES
8. RESOLUTION NO. 2020-15: ADOPTING THE BUDGET
9. RESOLUTION 2020-14: A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2019-2020, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

K. SPECIAL ORDER OF BUSINESS

10. Acquisition of Taft Elementary Property for Park Purposes
11. COVID-19 Update

L. CITY MANAGER/CITY ATTORNEY REPORTS

12. City Council Meeting Scheduling

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

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

O. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

P. ADJOURNMENT

Council Communication

CPA & ZC 2020-01 Scrutton zone change

Meeting Date: June 8, 2020
Department: City Council
Secondary Dept:
Approval:

Primary Staff Contact: AnneMarie Skinner
E-Mail: ASkinner@lincolncity.org
Secondary Contacts:
Estimated Time:

Question:

Should the City Council approve the requested comprehensive plan map change to Commercial-Recreation District and zone change to Recreation-Commercial (RC) Zone?

Staff Recommendation:

Staff recommends the Council hold the public hearing, close the public hearing and record, deliberate, and vote to approve or deny the requested comprehensive plan map change and zone change.

Authority:

Lincoln City Municipal Code (LCMC) Section 17.88.050 Action by the City Council

Background:

See attached staff report

Council Options:

- 1) Hold the public hearing and continue the hearing to the next City Council meeting.
- 2) Hold and close the public hearing, but keep the record open.
- 3) Hold and close the public hearing, close the record, begin deliberations, but continue deliberations and decision to the next City Council meeting.
- 4) Hold and close the public hearing, close the record, deliberate, and hold a vote to approve or deny the request.

Financial Impact

Loss of potential long-term renting opportunities for citizens of Lincoln City. Gain of potential vacation rental dwelling income for the property owners and an increase in transient room tax for the city as the tax would likely be more from a vacation rental dwelling for a vacationer than from a long-term rental for a resident of Lincoln City. [Note: no development agreement binds the property to applicant's proposed continued use].

Potential Motions:

- 1) Motion to close the public hearing, but keep the record open until...
OR
- 2) Motion to close the public hearing and the record. If so, then:
 - Motion to approve CPA & ZC 2020-01, a request to change approximately 2.06 acres to the Commercial-Recreation District comprehensive plan map designation and the Recreation-Commercial (RC) Zone for the reasons stated.
 - Motion to deny CPA & ZC 2020-01, a request to change approximately 2.06 acres to the Commercial-Recreation District comprehensive plan map designation and the Recreation-Commercial (RC) Zone for the reasons stated.

See attached staff report.

Attachments:

Application Package (PDF)
 Comments Agencies (PDF)
 Comments Applicants (PDF)
 Comments App representative (PDF)
 Aerial Map (PDF)
 Bluff Erosion Zones (PDF)
 Zoning Map (PDF)
 FEMA Flood Hazard Areas (PDF)
 Aesthetic Resource (PDF)
 Zones SW 3rd to SW 37th (PNG)
 FR 2020-02 - CPA 2020-01 - Scrutton Rezone - Signed (PDF)
 City Council Staff Report CPA ZC 2020-01 (PDF)

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 <div style="border: 1px solid blue; padding: 5px; text-align: center;"> RECEIVED Stamp Date Received DEC 19 2019 PLANNING </div> File No: _____
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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: Eugene L. Scrutton & Karen L. Scrutton
 MAILING ADDRESS: 7956 SE 17th Ave
 CITY: Portland STATE: OR ZIP: 97202-6765

DAYTIME PHONE: _____ Signature: _____
 EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)

NAME: _____
 MAILING ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 DAYTIME PHONE: _____ Signature: [Handwritten Signature]
 EMAIL (OPTIONAL): _____

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

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

PROJECT LOCATION: _____
 PROJECT ADDRESS: 405 SW Elk Ave
 ASSESSOR'S MAP NO.: 07-11-15-DB TAX LOT(S): 01100
 AREA: 0.17 (acres) SQ. FT.: _____ ZONING: R-M

**AMENDMENT TO THE
ZONING ORDINANCE TEXT OR MAP
COMPREHENSIVE PLAN TEXT OR MAP
FOR PLANNING COMMISSION AND CITY COUNCIL APPROVAL**

LCMC 17.88.010 Procedure: The zoning ordinance and/or the comprehensive plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment, by following the procedure of this article.

LCMC 17.88.020 Initiation of amendments: An amendment to the text of the zoning ordinance or to the zoning map and/or to the comprehensive plan map or text may be initiated by:

- A. Motion of the Planning Commission.
- B. Motion of the City Council.
- C. Application filed by an owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application for rezoning or comprehensive plan map re-designation.
- D. A Lincoln City resident requesting a change to the text of the comprehensive plan or zoning ordinance document(s).
- E. The Planning and Community Development Director.

THE FOLLOWING ATTACHMENTS SHALL ACCOMPANY THE FILING OF THIS APPLICATION:

- 1. A complete application form and all supporting documents and evidence;
- 2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property;
- 3. A description of the property affected by the application and, in the case of a quasi-judicial map amendment, a legal description.

FINDINGS OF FACT:

In order for the city council to adopt an ordinance for an amendment to this zoning ordinance, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. The burden is on the applicant to submit such evidence, responding to the following (*additional sheets may be attached*):

- 1. It must be found that the amendment complies with and conforms to the comprehensive plan goals, policies, and land use map.

See attached narrative

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<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: Michael B. Test & Jean L. Celia
MAILING ADDRESS: 2245 Crestview Dr. S 4523 Pacific Ct
CITY: Lincoln City **STATE:** OR **ZIP:** 97367
DAYTIME PHONE: 541-557-1694 **Signature:** [Signature] Jean L. Celia
EMAIL (OPTIONAL): MKL7ST@hotmail.com revjlc@yahoo.com

OWNER OF RECORD (if other than applicant)
NAME: Michael B. Test / Jean L. Celia
MAILING ADDRESS: 4523 Pacific Ct
CITY: Lincoln City **STATE:** OR **ZIP:** 97367
DAYTIME PHONE: 541-557-1694 **Signature:** [Signature] Jean Celia
EMAIL (OPTIONAL): MKL7ST@hotmail.com revjlc@yahoo.com

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: _____
PROJECT ADDRESS: 305 SW 6th Ave
ASSESSOR'S MAP NO.: 07-11-15-DB **TAX LOT(S):** 00700
AREA: 0.08 (acres) **SQ. FT.:** _____ **ZONING:** R-M

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<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: Robert Glanville
 MAILING ADDRESS: 315 SW Ebb Ave
 CITY: Lincoln City STATE: OR ZIP: 97367
 DAYTIME PHONE: _____ Signature: _____
 EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)
 NAME: _____
 MAILING ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 DAYTIME PHONE: 541 924 7127 Signature: R. Glanville
 EMAIL (OPTIONAL): _____

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: _____
 PROJECT ADDRESS: 315 SW Ebb Ave
 ASSESSOR'S MAP NO.: 07-11-15-DB TAX LOT(S): 00800
 AREA: 0.08 (acres) SQ. FT.: _____ ZONING: R-M

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<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: Monica Steele

MAILING ADDRESS: P.O. Box 967

CITY: Lincoln City STATE: OR ZIP: 97367

DAYTIME PHONE: _____ Signature: _____

EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)

NAME: Monica Steele

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DAYTIME PHONE: _____ Signature: Monica Steele

EMAIL (OPTIONAL): _____

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

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

PROJECT LOCATION: _____

PROJECT ADDRESS: 327 SW Ebs Ave

ASSESSOR'S MAP NO.: 07-11-15-DB TAX LOT(S): 00900 & 01000

AREA: 0.24 (acres) SQ. FT.: _____ ZONING: R-M

KAREN

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

OFFICE USE ONLY
 Stamp Date Received
 File No: _____

LAND USE APPLICATION

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: Coast Commercial Associates LLC
MAILING ADDRESS: 1441 Atlantic Dr NE 735 Browning Ave SE #120
CITY: Ketter Salem **STATE:** OR **ZIP:** 97303 97302
DAYTIME PHONE: 503-999-0421 **Signature:** Don Wyatt Sr
EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)
NAME: Coast Commercial Associates LLC
MAILING ADDRESS: 735 Browning Ave SE #120
CITY: Salem **STATE:** OR **ZIP:** 97302
DAYTIME PHONE: 503 999 0421 **Signature:** Don Wyatt Sr
EMAIL (OPTIONAL): _____

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: _____
PROJECT ADDRESS: 427 SW 6th Ave
ASSESSOR'S MAP NO.: 07-11-15-DB **TAX LOT(S):** 01200 & 01201
AREA: 0.25 (acres) **SQ. FT.:** _____ **ZONING:** R-M

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<input type="checkbox"/> APPEAL OF PLANNING COMMISSION DECISION	<input type="checkbox"/> MERGE 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
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<input type="checkbox"/> CONDITIONAL USE PERMIT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	<input type="checkbox"/> OTHER _____

NAME OF APPLICANT: Eric W. Coats, Trustee & Robin L. Coats, Trustee

MAILING ADDRESS: P.O. Box 5984

CITY: Bend STATE: OR ZIP: 97708

DAYTIME PHONE: 541-419-4440 Signature: Eric W. Coats

EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)

NAME: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DAYTIME PHONE: _____ Signature: Robin L. Coats

EMAIL (OPTIONAL): robina@coats@gmail.com

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

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

PROJECT LOCATION:

PROJECT ADDRESS: 887 SW 5th St

ASSESSOR'S MAP NO.: 07-11-15-DB TAX LOT(S): 01300

AREA: 0.18 (acres) SQ. FT.: _____ ZONING: R-M

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<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: Eric W. Coats, Trustee & Robin L. Coats, Trustee
MAILING ADDRESS: P.O. Box 5984
CITY: Bend **STATE:** OR **ZIP:** 97708
DAYTIME PHONE: _____ **Signature:** _____
EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)
NAME: _____
MAILING ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
DAYTIME PHONE: _____ **Signature:** _____
EMAIL (OPTIONAL): robinlcoats@gmail.com

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: _____
PROJECT ADDRESS: 887 SW 5th St
ASSESSOR'S MAP NO.: 07-11-15-DB **TAX LOT(S):** 01300
AREA: 0.18 (acres) **SQ. FT.:** _____ **ZONING:** R-M

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<input type="checkbox"/> CONDITIONAL USE PERMIT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	<input type="checkbox"/> OTHER _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

DAYTIME PHONE: _____ **Signature:** _____

EMAIL (OPTIONAL): _____

OWNER OF RECORD (if other than applicant)

NAME: _____

MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

DAYTIME PHONE: _____ **Signature:** _____

EMAIL (OPTIONAL): _____

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

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

PROJECT LOCATION: _____

PROJECT ADDRESS: _____

ASSESSOR'S MAP NO.: _____ **TAX LOT(S):** _____

AREA: _____ (acres) **SQ. FT.:** _____ **ZONING:** _____

APPLICANTS' NARRATIVE

Nature of Request

Eugene and Karen Scrutton, on behalf of themselves and their neighboring property owners, request rezoning of eight lots totaling approximately 1.0 acre of land located within the Lincoln City city limits. They propose a change in zoning from the existing Multiple Family Residential (RM) zone to the Recreation-Commercial (RC) zone.

Site Information

Applicants/Owners: Eugene L. and Karen L. Scrutton
7956 SE 17th Avenue
Portland OR 97202

Applicants' Representative: Richard Townsend
Townsend Planning & Design LLC
1936 NE 63rd Street
Lincoln City, OR 97367

Maps and Tax Lots: Map 07-11-15-DB Tax Lots 00700, 00800, 00900, 01100, 01200, 01201, 01300

Location: 405 SW Ebb Avenue

Current City Comprehensive Plan Designation: High Density Residential (R-M)

Current City Zoning Designation: Multiple-Family Residential (R-M)

Proposed Comprehensive Plan Designation: Commercial-Recreation (R-C)

Proposed Zoning Designation: Recreation Commercial (R-C)

Surrounding Land Uses And Zoning: North: Dwellings and Motel, (R-M and R-C)
East: Commercial (G-C)
South: Dwellings (R-M)
West: Beach and ocean

Evidence of Compliance with Standards

LCMC 17.88.030.E. requires an applicant for a comprehensive plan amendment to provide evidence "indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan" and other applicable standards. This evidence is provided here.

A. 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 Comprehensive Plan of Lincoln City is the document that guides land use decisions in the City of Lincoln City. The plan, which the Oregon Department of Land Conservation and Development has acknowledged as consistent with the Statewide Planning Goals, is the policy framework that guides the city's land use decisions as it establishes goals and policies that provide a general framework for implementing land use regulations. As described below, this application complies with the comprehensive plan's goals and policies.

Regarding the process for this application, the city code does not specify a process or criteria specifically for making a decision on annexation. But the city does have a general procedure, set out in Chapter 12 of LCMC Title 17, for handling such decisions. With two public hearings including published and mailed public notice, this process complies with this goal. Since this application will go through this process, it too complies with this goal.

2. Citizens Involvement Goal: *"Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process."*

The City has a Citizen Involvement Program that provides opportunities for citizens to participate in policy and ordinance development and to comment on specific land use proposals. The present application for annexation and rezoning will be available for public review and examination at the Planning Department and online at the city's website. There will be two public hearings that will be preceded by notice to the public in general and specifically to surrounding property owners. Both the city's planning commission and city council will hold public hearings on this application and the hearings, which will be televised and live-streamed, will include opportunities for written and oral public comments. This process makes this application consistent with this goal.

3. Public Services and Utilities Goal: *"To plan and develop 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 property is fully urbanized and developed, and is currently being served by public services and utilities as follows:

- A) The property is currently being served by electric power through Pacific Power.
- B) The property is currently receiving water service from the City of Lincoln City.
- C) The property is currently receiving sanitary sewer service from the City of Lincoln City.
- D) The property is currently receiving natural gas service from NW Natural.
- E) The property is currently served by street lighting from the City of Lincoln City and Pacific Power.

Services are currently available and on site, and no changes or extensions are requested or needed. This goal is satisfied.

4. Urbanization Goal: *"To promote an orderly and efficient transition of land uses from rural to urban."*

The property lies well within the Lincoln City urban growth boundary, and in fact well within the Lincoln City city limits. It is already fully developed and fully urbanized. The proposed rezoning conforms to this goal.

5. Natural Hazard Goal: *"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."*

Lincoln City has identified and mapped various areas of natural hazards such as those described in Environment Hazards, Coastal Lincoln County, Oregon (RNKR, 1979), in flood hazard mapping, and more recently in reports from the Oregon Department of Geology and Mineral Industries relating to tsunami inundation and coastal erosion that have been incorporated into the city's comprehensive plan. Most of the property already is developed.

The property is not within the 100-year floodplain. The property is located in the nearshore tsunami zone, but only a few feet to the south or east are easily accessible areas that will provide safe refuges from any tsunami. The property also is in the coastal erosion zone. Lincoln City Municipal Code Chapter 17.47 controls any future development in this area and requires a geotechnical analysis of the site and a set-back from the bluff edge of 60 times the annual erosion rate plus five feet. Through adopting this requirement the City Council has deemed this an adequate protection and buffer city-wide and the proposed rezoning will not affect this requirement. The proposal to rezone it to the city's RC zone is consistent with this goal.

6. Housing Goal: *"To provide for the housing needs of all citizens."*

The proposed rezoning will have little if any effect on the availability of adequate numbers of needed housing units at price ranges and rents commensurate with the area. Because the property is ocean-front, and ocean-front property is expensive compared to other properties, there is no practical way the property could be used for affordable or workforce housing.

The 2017 Housing Needs Assessment concludes that there is a substantial "surplus" of residentially-zoned land within the Lincoln City UGB. It says Lincoln City has plenty of available land inside its UGB for residential development through 2036 and therefore there is no need to add more land to the UGB to meet state law requirements. The actual figures are: a need for 206 to 249 acres of land, a supply of 1,124 acres within the UGB, and therefore a "surplus" of 876 acres within the UGB.

The proposed rezoning is consistent with this goal.

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

The proposed rezoning will have a positive effect on the tourist economy. The Recreation-Commercial (RC) zone is intended for commercial uses having a definite relationship to the community's resort and recreation industry such as food, lodging, recreational activities and services that have a resort character. It will encourage development or redevelopment of the property to be rezoned and if used as vacation rentals will allow that use to continue indefinitely rather than ceasing on the sale or transfer of the property. The rezoning is consistent with the Economy 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."

By itself, rezoning has little or nothing to do with the aesthetic quality of the area. But there is a "significant aesthetic resource" adjacent to the northern end of the proposed rezoning area, in the right-of-way of SW Third Street, west of SW Ebb Avenue. This is one of many street rights-of-way that were declared significant in 1999 and 2000, principally to preserve them as ocean overlooks and view corridors. At the present time this "significant aesthetic resource" is not developed as an overlook but consists merely of a grassy patch with a barricade backed by salal. See the illustration, below.



Figure 1: SW Third Street Significant Aesthetic Resource

LCMC 17.48.020 requires that "development in areas of significant aesthetic resources must not reduce the scenic character of the area." The Municipal Code does not provide any standards in this regard, but the Comprehensive Plan does. It requires those proposing development within 100 feet of a scenic viewpoint to provide a detailed diagram and narrative explaining how the proposed development will affect the visual and aesthetic quality of the scenic area. It must address the following:

- a. How the activity will maintain natural vegetation.
- b. If vegetation is removed, how the activity will restore and protect the site from erosion and other negative results.
- c. If necessary, how the activity should be screened to protect the scenic view.
- d. The number, size, and design of signs associated with the activity.
- e. The extent of natural materials and design to be employed in the activity.
- f. The balance between the activity and other surrounding developed areas.
- g. How wildlife habitats and environmental quality will be protected.

This extensive and detailed report will provide the city, through a decision by the Planning Commission, the means to ensure that development or redevelopment on the property will not adversely affect the aesthetic character of the area. The Planning Commission's decision is appealable to the City Council, and in fact the City Council may call the decision up for review on its own motion.

Another significant protection for the aesthetic character of the area will come as a direct result of rezoning it. Once the property is rezoned into the Recreation-Commercial zone it will be subject to the city's commercial design standards. This will ensure that any new development on the property will be an attractive, well-designed asset to the community. The rezoning is consistent with this goal.

9. Transportation Goal: *"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."*

The property is in an area that already is fully developed. A local street runs adjacent to the property. It is less than 200 feet from Highway 101. There is a sidewalk on Highway 101, but not on SW Ebb Avenue. Public transit runs along Highway 101 in both north and south directions. This goal largely is already met in the area, and redevelopment under the new zone will make it better still. The property has frontage on SW Ebb Avenue. LCMC 17.52.230, *Public Infrastructure Improvement Requirements*, requires the installation of curbs, gutters, and sidewalks along abutting streets when properties are developed. This means that if the property is redeveloped the pedestrian transportation network will be improved in both extent and safety through putting in a stretch of sidewalk where none is found today.

A quick look at the reasonable worst case traffic generation before and after the proposed rezoning shows that there would be only a minor traffic impact from the rezoning. The site is long and narrow, constrained by the required setback along SW Ebb Avenue and the requirement for a coastal erosion geological hazard setback along the west side of the property. Taking this into account, the amount of traffic generated by various allowed uses under the existing and the proposed zoning would be as shown in Table 1, below.

	Units	Trips Per Day Per Unit		Total Trips Per Day	PM Peak Trips Per Unit		Total Peak Trips
		RM	RC		RM	RC	
MFR	20	6.72	6.72	134.4	0.62	0.62	12.4
Motel	40	--	5.63	225.2	--	0.47	18.8
SFR	8	9.57	9.57	76.56	1.01	1.01	8.08

Table 1. Vehicle trip generation by various uses in the RM and RC zones, based on ITE Trip Generation Manual.

This shows that in a reasonable worst case development under the RC zone, consisting of a 40-unit motel, would result in 6.2 additional PM peak hour trips compared to the reasonable worst case development allowed (consisting of a 20-unit multifamily dwelling [MFD]) under the existing R-M zone. The maximum total trip generation is estimated to be about 225 trips per day under the RC zone, compared to 134 trips per day under the R-M zone, a difference of 91 trips per day. Given the proximity of Highway 101 to the property it is likely that almost all of

the trips from the property will use the highway. According to ODOT's State Highway Traffic Volumes table, the average daily traffic at the D River traffic counter is 25,400 trips per day. The additional trips resulting from the rezoning would amount to slightly over one-third of one percent of the traffic on the highway. This shows that the traffic resulting from the proposed zone change will not significantly affect the transportation system. The rezoning is consistent with the transportation goal.

10. Energy Goal: *"To conserve energy."*

The energy goal speaks to using ensuring that development in the city meets or exceeds the energy conservation requirements of the building code. In fact the plans examiners and the building official carefully review building plans to make sure any proposed development does just that. Thus any development or redevelopment on the property would be in compliance with this goal.

The energy goal also encourages development that is within walking distance of services and shopping areas. The property is within walking distance of the many employment sites such as the stores and restaurants only a few hundred feet away on Highway 101. The shopping areas along Highway 101 within walking distance include many tourist-oriented businesses as well as those such as McKay's Market oriented toward residents. So while rezoning, by itself, will have no immediate effect on energy conservation, development of the site will conform to this goal.

11. Overall Environmental Goal: *"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."*

The property already is completely urbanized and largely developed. There is no "natural environment" there. Years ago the city conducted inventories natural resource inventories city-wide for wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas. These inventories and subsequent "significance" determinations show that the property contains no sites or resources designated as "significant" under the city's Natural Resource Overlay Zone other than the "significant aesthetic resource" in the SW Third Street right-of-way, described above. Thus the city determined there are no unusually valuable resources on the site that warranted restrictions on development that differ from those imposed on all property in the city, other than that one aesthetic resource that has adequate protections in place as described above. The proposed rezoning is consistent with this goal.

12. Shoreland, Beaches, Dunes, Estuary and Ocean Resource Goal: *"To conserve, to protect, to enhance the coastal resources of the city."*

Because the city's coastal shoreland planning area extends westward from Highway 101, the property is within the coastal planning area. Nevertheless, there is only minimal applicability of

this goal. The goal requires protection of significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, or fish and wildlife habitats, and aesthetic and scenic areas. But there are no significant wetlands, riparian areas, major marshes, and fish or wildlife habitats mapped on the property. There is one significant aesthetic area: the right-of-way of SW Third Street west of SW Ebb, as described above. As described above, there are adequate protections for this resource in place to ensure that it is not degraded.

This goal also prohibits residential development and commercial and industrial buildings on beaches, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-topping, and deflation planes that are subject to ocean flooding. To the limited extent the property includes the beach, this policy will ensure that it is protected from any development. As for the other coastal resources mentioned, this policy does not apply because these coastal resources are not found on the subject property. For these reasons, the proposed rezoning is consistent with this goal.

B. Statewide Planning Goals

In addition to the goals of the city's Comprehensive Plan, the annexation and rezoning must be consistent with Oregon's Statewide Planning Goals. In large measure these parallel the city's goals, and the proposed annexation and rezoning are consistent with the Statewide goals for the same reasons they are consistent with the city's goals as described above.

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."*

The City has developed a Citizen Involvement Program that the state has approved. The present application for annexation and rezoning will be available for public review and examination at the Planning Department and online at the city's website. There will be two public hearings that will be preceded by notice to the public in general and specifically to surrounding property owners. Both the city's planning commission and city council will hold public hearings on this application and the hearings, which will be televised and live-streamed, will include opportunities for written and oral public comments. This process makes this application 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 has adopted a land use planning process and policy framework in the form of the comprehensive plan and the zoning ordinance. These provide the basis for all decisions and actions related to the use of land and ensure an adequate factual base for such decisions and actions. The City Council adopted them after public hearings, and from time to time has revised them as circumstances have changed. The revisions also followed public hearings. The city's Comprehensive Plan has been acknowledged as being consistent with the Statewide Planning Goals. Citizens and affected governmental units had opportunity for review and input during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3. Agricultural Lands: *"To preserve and maintain agricultural lands."*

The property carries the zone of R-M which is a residential zone, not an agricultural zone. It has had this zone for many years. The proposed rezoning does not affect agricultural lands. Accordingly, this goal is not applicable to this application.

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 property carries the zone of R-M, which is a residential zone, not a forest zone. It has had this zone for many years. The proposed annexation and rezoning do not affect forest lands. Accordingly, this goal is not applicable to this application.

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 property is located well within the city's Urban Growth Boundary. The property does not contain any areas designated as a Goal 5 resource, though it is adjacent to the "significant aesthetic resource" in the right-of-way of SW Third Street. As described above under the Comprehensive Plan Aesthetics goal, there are code and plan provisions already in place that provide strong protections for that resource. Development and redevelopment of the property will not adversely affect the resource and the proposed rezoning is consistent with this goal.

Goal 6. Air, Water and Land Resource Quality. *"To maintain and improve the quality of the air, water, and land resources of the state."*

The city is not in an air quality non-attainment area, nor is it in an air quality maintenance area. There is no danger that it will be in any such area in the foreseeable future. Development pursuant to the city's zoning ordinance of this site would not affect these resources. The city maintains water quality through its wastewater treatment facility, which operates pursuant to a National Pollutant Discharge Elimination System permit, and is within the federal standards for water quality. The city's wastewater treatment facility can handle wastewater from development or redevelopment of the property. The proposed rezoning is consistent with this goal.

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

The property is mostly in the nearshore tsunami evacuation zone, but at its southern end it is not. It has easy walking access to the areas outside the tsunami zone. The property is in the coastal erosion zone. Lincoln City Municipal Code Chapter 17.47 controls any future development in this area and requires a geotechnical analysis of the site and a set-back from the bluff edge of 60 times the annual erosion rate plus five feet. Through adopting this requirement the City Council has deemed this an adequate protection and buffer city-wide and the proposed rezoning will not affect this requirement. The proposal to rezone it to the city's RC zone is consistent with this goal. Since there are adequate protections in place already, property development there will be consistent with this goal.

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 property is located in the midst of extensive recreational facilities. The city's seven-mile-long beach is immediately adjacent to the property. The D River State Wayside is a short walk away. The property also has easy access to the Devils Lake State Park and its trails and other recreational facilities, as well as the city-owned open space that is adjacent to the state park. The Lincoln City Cultural Center, with its entertainment and art facilities, is located a short walk from the property. The proposed rezoning is consistent with this goal.

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 present R-M zoning does not provide any opportunities for economic activities other than the existing VRDs (which are not allowed to be transferred), short-term construction, and small-scale home occupations. The proposed rezoning would allow a greater variety of economic activities as well as stabilizing the existing ones. Stabilization is important to economic investment; without it the incentive to invest is greatly reduced, if not eliminated completely.

Moreover, the greater suite of allowed economic activities under the RC zone would encourage the creation of jobs. These facts demonstrate that the proposed rezoning is consistent with the Economic Development Goal.

Goal 10. Housing: *"To provide for the housing needs of citizens of the state."*

The proposed rezoning will have little if any effect on the availability of adequate numbers of needed housing units. Because the property is ocean-front, and ocean-front property is expensive compared to other properties, there is no practical way the property could be used for affordable or workforce housing.

The 2017 Housing Needs Assessment concludes that there is a substantial "surplus" of residentially-zoned land within the Lincoln City UGB. It says Lincoln City has plenty of available land inside its UGB for residential development through 2036 and therefore there is no need to add more land to the UGB to meet state law requirements. The actual figures are: a need for 206 to 249 acres of land, a supply of 1,124 acres within the UGB, and therefore a "surplus" of 876 acres within the UGB.

Goal 11. Public Facilities and Service: *"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 property is fully urbanized and developed, and is currently being served by public services and utilities as follows:

- A) The property is currently being served by electric power through Pacific Power.
- B) The property is currently receiving water service from the City of Lincoln City.
- C) The property is currently receiving sanitary sewer service from the City of Lincoln City.
- D) The property is currently receiving natural gas service from NW Natural.
- E) The property is currently served by street lighting from the City of Lincoln City and Pacific Power.

Services are currently available and on site, and no changes or extensions are requested or needed. This goal is satisfied.

Goal 12. Transportation : *"To provide and encourage a safe, convenient and economic transportation system."*

Rezoning, by itself, will not affect transportation. But once it is accomplished, the property will be able to be developed with uses other than what is allowed now, that could have some level of impact on the city's transportation system. As described above under the Comprehensive

Plan Transportation Goal, in a reasonable worst case development scenario under the RC zone, there would be 6.2 additional PM peak hour trips compared to development allowed under the existing zone. The total trip generation was estimated to be about 225 trips per day, which is only 91 trips more than what could be expected under the current zoning. This additional traffic is just a little more than one-third of one percent of the traffic on Highway 101. The traffic resulting from the proposed zone change will not significantly affect the transportation system.

The property has about 450 feet of frontage on SW Ebb Avenue. LCMC 17.52.230, *Public Infrastructure Improvement Requirements*, requires the installation of curbs, gutters, and sidewalks along abutting streets when properties are developed. This means that the pedestrian transportation network will be improved in both extent and safety through putting in a stretch of sidewalk where none are found today. The rezoning is consistent with the transportation goal.

Goal 13 Energy Conservation: *"To conserve energy."*

The property is adjacent to existing utilities and city streets. The property is within walking distance of numerous employers, a grocery store, other retail, recreation, public transportation, and community services. Development would be required to provide sidewalks that would encourage non-motorized transportation. All of this would result in substantial energy conservation compared to development elsewhere in the urban growth boundary. The annexation and rezoning, therefore, would be consistent with the energy goal.

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 property consists of already urbanized land within the city limits. Rezoning will not result in any need to extend public services such as water, sewer, and police. Rezoning the property will preserve the efficiencies that exist today and in fact enhance them through encouraging even more efficient use of oceanfront property located at the center of the city. The proposed zoning is consistent with the surrounding uses and zoning. The rezoning proposal meets this goal.

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 State of Oregon established the boundaries of the Willamette River Greenway in the 1980's, and the property is not within the Greenway. Accordingly, Goal 15 does not apply to this application.

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 property is not within or adjacent to any estuarine areas. This goal is not applicable to the proposed rezoning.

Goal 17. Coastal Shoreland: *"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."*

Because the city's coastal shoreland planning area extends westward from Highway 101, the property is within the coastal planning area. Nevertheless, there is only minimal applicability of this goal. The goal requires protection of significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas. But there are no mapped significant wetlands, riparian areas, major marshes, fish or wildlife habitats, and only the small aesthetic area adjacent at SW Third Street. This goal also prohibits residential development and commercial and industrial buildings on beaches, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and deflation planes that are subject to ocean flooding. This policy does not apply because these coastal resources are not found on the subject property.

Goal 18. Beaches & Dunes: *"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas."*

This goal requires local governments to inventory beaches and dunes in order to provide information necessary for identifying and designating beach and dune uses and policies for the governments' comprehensive plans. Lincoln City relies on the inventory material contained in two studies: The inventory material is from Beaches and Dunes of the Oregon Coast (O.L.C. & D.L., 1975) and Environmental Hazard Inventory, Coastal Lincoln County (RNKR Associates, 1977). The property is not in a designated beach or active dune area. Accordingly, Goal 18 does not apply to this application.

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."*

This goal relates to actions by local, state, and federal agencies that are likely to affect the ocean resources and uses of Oregon's territorial sea. Neither the currently allowed uses of the property nor the additional uses that would be allowed under the proposed RC zone are likely to affect marine resources and ecological functions and accordingly Goal 19 does not apply to this application.

C. Transportation Planning Rule

OAR 660-012-0060(1): *"If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule."*

The Transportation Planning Rule requires the city to determine whether a proposed land use amendment would "significantly affect an existing or planned transportation facility" and if so to mitigate that effect through certain prescribed measures. In the present case the issue is whether the proposed rezoning would "significantly affect" Highway 101. If not, then analysis under the transportation planning rule is completed and no mitigation is necessary. The initial analysis under the transportation planning rule is a comparison of reasonable worst case scenarios under the existing and proposed zones, in this case R-M and RC. As shown above under a reasonable worst case analysis the RC zoning would result in 6.2 additional PM peak hour trips compared to the trips generated under the R-M zoning. Also, based on 2018 traffic counts on Highway 101 at the D River the addition of these weekday peak hour trips will increase travel on Highway 101 by 0.002% at the maximum hour. Based on these findings, the additional 6.2 peak hour trips generated by the zone change will not significantly affect the transportation system and, therefore no further traffic impact analysis is needed and no further inquiry under the transportation planning rule is required.

Prepared and submitted by:

Richard Townsend

Townsend Planning & Design LLC
1936 NE 63rd Street
Lincoln City, OR 97367
townsendplanning@gmail.com
541-921-0474



Figure 2: Zoning map detail showing the property proposed for rezoning circled in green.

AnneMarie Skinner

From: Daniel Wentz
Sent: Thursday, December 19, 2019 4:25 PM
To: James White
Cc: Stephanie Reid
Subject: RE: CPA & ZC 2020-01 Scrutton et al

James,

Public Works doesn't have any comments on this zoning change.

Thanks



Daniel Wentz, MPH
 ENGINEERING TECHNICIAN III

City of Lincoln City | Public Works
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.998.1238 | C: 541.364.1029
 E: dwentz@lincolncity.org | W: LincolnCity.org

From: James White
Sent: Thursday, December 19, 2019 1:37 PM
To: AnneMarie Skinner <askinner@lincolncity.org>; Alison Robertson <arobertson@lincolncity.org>; Brandon Zipser <brandonz@nwcodepros.com>; Daniel Wentz <dwentz@lincolncity.org>; 'Duane Liner' <duane.j.liner@odot.state.or.us>; 'Ed Ulrich' <fulrich@nifr.org>; Jeanne Sprague <jsprague@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Lila Bradley <lbradley@lincolncity.org>; 'ODOT Region 2 Manager' <ODOTR2PLANMGR@odot.state.or.us>; Richard Appicello <rappicello@lincolncity.org>; Ronald Chandler <rchandler@lincolncity.org>; 'Scott Nelson' <brian.s.nelson@odot.state.or.us>; Stephanie Reid <sreid@lincolncity.org>
Subject: CPA & ZC 2020-01 Scrutton et al

Good afternoon,

The attached application and associated materials have been submitted to the Planning and Community Development Department for the above-referenced project. Please review the materials to determine whether everything has been provided to allow your department to provide comments for the requested comprehensive plan map and zone change. Please reply as follows:

1. If there are items or information missing from the materials, please reply to this email specifically indicating the items or information needed.
2. If the application is complete for your purposes, please reply to this email indicating the application is complete.

AnneMarie Skinner

From: Frederick Ulrich <fulrich@nifr.org>
Sent: Monday, January 6, 2020 12:10 PM
To: James White; AnneMarie Skinner; Alison Robertson; Brandon Zipser; Daniel Wentz; 'Duane Liner'; Jeanne Sprague; Jerry Palmer; Lila Bradley; 'ODOT Region 2 Manager'; Richard Appicello; Ronald Chandler; 'Scott Nelson'; Stephanie Reid
Subject: RE: CPA & ZC 2020-01 Scrutton et al

The submitted documents do not indicate any conflict with the 2019 Oregon Fire Code.



Frederick E. (Ed) Ulrich, Jr.

Fire Marshal

North Lincoln Fire & Rescue District #1

P.O. Box 200 / 4520 SE Highway 101
 Lincoln City, Oregon 97167
 541-996-2233 (office) 541-996-5344 (fax)
 541-921-9024 (cell)

From: James White <jwhite2@lincolncity.org>
Sent: Monday, January 06, 2020 11:01 AM
To: AnneMarie Skinner <askinner@lincolncity.org>; Alison Robertson <arobertson@lincolncity.org>; Brandon Zipser <brandonz@nwcodepros.com>; Daniel Wentz <dwentz@lincolncity.org>; 'Duane Liner' <duane.j.liner@odot.state.or.us>; Frederick Ulrich <fulrich@nifr.org>; Jeanne Sprague <jsprague@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Lila Bradley <lbradley@lincolncity.org>; 'ODOT Region 2 Manager' <ODOTR2PLANMGR@odot.state.or.us>; Richard Appicello <rappicello@lincolncity.org>; Ronald Chandler <rchandler@lincolncity.org>; 'Scott Nelson' <brian.s.nelson@odot.state.or.us>; Stephanie Reid <sreid@lincolncity.org>
Subject: RE: CPA & ZC 2020-01 Scrutton et al

Good morning,

The attached application and materials have been deemed complete and are ready for review. Please provide comments/conditions of approval by Thursday, January 23rd at 5:00 p.m. If responses are not received by the date and time indicated, the assumption is that your department has no comments regarding the attached application.

Thank you,



James White
 Assistant Planner

AnneMarie Skinner

From: Karen Scrutton
Sent: Monday, February 3, 2020 7:37 PM
To: Planning
Subject: CPA & ZC 2020-01 Scrutton etal

Dear Members of the Planning Commission,

We've owned our home at 405 SW Ebb for the past 20 years. The current zoning on our block is for multi family (RM zone). Our block is narrow shaped and has the ocean on one side and commercial properties on the other side. We are across the street from the dilapidated old fire hall, the Sip & Sand restaurant that has been closed for over 10 years and The Pier restaurant dumpster. Our block is not a good fit for apartments / multi family dwellings due to it's shape (long skinny wedge) and land costs of the oceanfront.

The 2 empty lots to our south (next door) have been vacant for longer than 20 years and occupied with people building forts in the shrubs and climbing down the bank to the beach. This block could benefit from a zone change to RC zone. It would spark ideas for a buyer to build on the 2 empty lots or give different options to all the owners of these narrow shaped lots. Please consider this zone change for us and our neighbors on the block.

Jean Celia
Mike Test
4523 NW Pacific Court
Lincoln City, Oregon 97367

February 10, 2020

Lincoln City Planning Commission
801 SW Hwy 101
Lincoln City, Oregon 97367



RE: CPA & ZC 2020-01 Scrutton et al.

Dear Commissioners:

Thank you for reviewing the above-referenced application.

Since this property is in next to commercial uses (Subway, bank, etc.), and one block west of Hwy 101, please consider re-zoning it from RM. The configuration of the subject properties (a long, thin wedge) does not lend itself to multi-family construction, such as apartment development. The value of oceanfront property also is not conducive to such development.

Thank you again for your consideration.

Sincerely,

Jean Celia

TOWNSEND PLANNING & DESIGN LLC

1836 NE 63RD STREET
LINCOLN CITY, OR 97367



PHONE: (541)921-0474

EMAIL: TOWNSENDPLANNING@GMAIL.COM

Case File CPA/ZC 2020-01

Scrutton et al. Comprehensive Plan Amendment and Zone Change

APPLICANTS' ADDITIONAL TESTIMONY AND EVIDENCE

This is a supplement to the applicant's narrative previously submitted. Its principal purpose is to respond to issues raised in the staff report. The applicant's narrative is incorporated here by reference.

Introductory Information

1. Differences from the Cho and Sutton Applications. At the outset I want to make a clear differentiation between this application and two other proposed rezonings that the city council recently denied: the single-lot Sutton rezoning by the Community Center and the single-lot Cho rezoning by the Surftides. Those involved single lots that directly abutted other residentially zoned lots. There was no separation of any kind between them and the other residentially zoned properties that they abutted or in one case wedged into.

Here two factors are very different. First, there is a street, a public right-of-way, 40 feet wide, that separates the area to be rezoned from the remaining residentially zoned area. Second, and perhaps more important, there is a topographic change that creates a geographic differentiation between the rezoned area and the rest of the area. At SW Ebb and 5th Street, the ground elevation is 68 feet. But as one heads south the elevation rapidly changes. At 7th street it is 120 feet, an increase of over 50 feet. By the time one gets up to Ebb and 8th Street, the elevation is 142 feet, almost 80 feet higher. There is a clear difference between the rezone area and the elevated property to the south. The

horizontal and vertical spacing makes this situation very different from those past situations.

Also, right now at this site there is a 450 foot interface between the commercial zoned area to the east and the residential zoned area that this application relates to. Right now that interface is characterized on the commercial side by parking lots, storage lockers, dumpsters, and a couple of derelict commercial buildings. The rezoning would reduce that interface to only about 130 feet, which would be along SW 5th Street, so to the extent one is concerned about potential conflicts between commercial uses and residential uses, the rezoning will reduce the interface, and therefore the potential for conflicts, by over 70%. In that way, rather than creating conflicts, it largely cleans things up.

2. Size of the Property. I should clear up the matter of the size of the property. The staff report says there's about 2.06 acres while the applicant's narrative says an acre. They're both right, depending on the context. The difference comes from reliance on the assessor's office's distinction between land that is east of the vegetation line on the beach and land that is to the west. There is about an acre of land in the four southernmost lots that is on the beach and west of the vegetation line that while technically part of those lots, is not developable and not taxed, and therefore is not really being changed regarding allowed uses. In much of the discussion in the application and here it is that one acre up on top of the bluff that really matters.

3. Suitability for Multi-family Development. I also want to address the suitability of the site for multi-family housing development. For the moment ignore the fact that except for two lots, this property already is developed. Its location and configuration preclude multi-family development. Remember that there is only one acre of developable land in these 8 lots. That's 43,560 square feet. The multi-family development standards require a 20-foot setback from the street. The street frontage along Ebb Avenue is 450 feet long. Twenty times 450 is 9,000, so the developable portion of the lots comes down to 34,560 square feet. Then there is the required geological setback from the bluff. That is 60 times the annual erosion rate plus five feet. Assuming this site is typical of Lincoln City's erosion rate, the erosion rate is 0.27 feet per year. That is a little more than 3 inches per year. Sixty years times 3 inches is 180 inches, or 15 feet. 15 feet plus 5 feet is 20 feet. Again the property is 450 feet long, and 20 feet times 450 feet (actually it's

somewhat longer) is another 9,000 square feet. So now we're down to 25,560 square feet.

Into that a developer would have to get the building or buildings for the apartments themselves, plus the required parking, plus the required landscaping, plus the required recreation area. Each of those pushes down the number of apartments that would physically fit on the land. According to the county assessor, the land has a value of about \$2.8 million per acre. At that price you need to either a lot of apartments or really, really, high rents. You can't get very many apartments on this land and no one has ever identified a market in Lincoln City for really, really, high rents.

To illustrate, compare this site's \$2.8 million per acre to the land values of the last three apartment projects in Lincoln City: Windward Place by the golf course, Lake Forest Commons by the hospital, and the other by Bi-Mart. Those three had land values very close to each other and they averaged just over \$400,000 per acre. The land value of the property we're talking about here is SEVEN times as high as those of the other apartment projects, and this site is much more constrained by its configuration (a long, narrow wedge).

Multi-family development likely will never pencil out on this property. RC zoning, with different setback requirements in the front yard makes much more sense for this site.

Now stop ignoring the fact that the property already is mostly developed. The value of improvements, according to the Lincoln County Assessor, is \$1,252,120. There are only two undeveloped lots in this property, and according to the county assessor they total only a quarter of an acre of buildable area. Multi-family development is highly unlikely. A four-plex might fit, and in the RC zone that would be a conditional use subject to the city's commercial design standards, giving the city a great deal of control over what gets built. Alternatively four-flats could be built on them, and they're supposed to look like just a big house, so there would be no real conflict with any residential uses to the south. Finally, remember that any kind of residential development that is allowed in the RM zone also is allowed in the RC zone. If people think apartments or townhouses or single-family dwellings are a good idea they will be free to go ahead and build them.

Comprehensive Plan Goals

I turn now to the issues raised in the staff report regarding whether the proposed rezoning is consistent with the city's comprehensive plan. The sections are numbered in accordance with the numbers of the specific goals in the plan.

1. 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 key words here are "to establish a process and policy framework [emphasis added]." This goal is about procedure and structure. It sets procedures for various types of land use decisions including: data base updates; plan goal, policies, or zoning ordinance amendments; comp plan and zoning map amendments (major); comp plan and zoning map amendments (minor); and UGB and urbanization policy amendments.

The planning director has determined that the application before you tonight is a major comp plan and zoning map amendment. As the staff report says, *"Staff considers this a major revision since the requested change from multiple-family residential to recreation-commercial zoning would produce a qualitative change in the character of the land use itself from residential to commercial."* What makes this a major change is the change from residential to commercial.

Goal 1 of the comprehensive plan sets out a process, a procedure, for reviewing major comp plan and zoning map amendments such as is before you here. Goal 1 says (introduced with the word "Procedure"): "Procedure: The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan."

Then the staff report then says that rezoning would introduce a new zone to the area. This is not accurate because the area of the proposed rezoning abuts the RC zone immediately to the north, i.e. it is in the area. The staff report also ignores the fact that the more intensely commercial GC zone abuts the area for its entire length to the east. This is hardly introducing commercial zoning to an area that has none.

The staff report then goes on to say that the rezoning from a residential zone to a commercial zone is inconsistent with the comprehensive plan because it is a major

change: "The change is not consistent with the land use planning goal, as it represents a major shift or the first domino to fall in an area that currently contains no RC zoning. Accordingly, the amendment is not consistent with the City's land use planning goal."¹

This kind of change is the very definition of a major change, for which the comprehensive plan's Goal 1 establishes a procedure. It is not the definition of something that is inconsistent with the comprehensive plan. This is exactly what the major change process contemplates. Moreover, elsewhere the comprehensive plan expressly contemplates the need to consider exactly this kind of change. It says, under "Plan Review and Amendment," *"Although the comprehensive plan is designed and intended to be the controlling land use planning instrument to the year 2010, it is important to recognize and effectively deal with major changes in the community. The comprehensive plan reflects the desires of the community at the time it is adopted and must be continually reviewed and revised to keep pace with changing circumstances and community desires and standards."*

The staff report does get it right in its first paragraph under Goal 1, *"Review of these amendments in accordance with the Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.88, establishes conformance with this goal."* In other words, following the procedures set out in the comp plan and the municipal code, means this goal is satisfied. That is what the hearing before the Planning Commission and the hearing before the City Council are about.

5. Natural Hazard Goal

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

In this regard the staff report just says *"The City's maps show the site as being in Bluff Erosion and Tsunami Evacuation zones. With the exception of two of the eight tax lots, the site is fully developed with residential dwellings. The proposal is not consistent with Goal 5."* The staff report contains no evidence supporting this conclusion beyond the bare fact that the property is in the bluff erosion and tsunami hazard zones. It doesn't say why the rezoning would not be consistent with Goal 5.

¹ To the extent anyone is concerned about "dominos" falling, they should keep the Sutton and Cho rezoning denials in mind. These show clearly that the City Council well knows how to draw a line and say "no."

In any event, the goal doesn't say that development should be banned in natural hazard areas – it just needs to be controlled. In fact the goal says, "There are areas in Lincoln City where development activities must be controlled to protect life and property. The City has defined these areas on the Plan Map. The City will allow development within these areas if adequate protective measures can be employed which prevent or minimize damage."

There is a whole chapter in Title 17 (17.47) about controlling development in hazard zones. Particular attention is given to coastal erosion, allowing development provided a geotechnical analysis is conducted and development proceeds in accordance with that analysis. That's what the bluff setback mentioned earlier is all about. That is the control that the city has determined is needed. That code chapter was just updated a few years ago, and no ban on development was proposed or considered.

Regarding the tsunami evacuation zone, there is nothing in the municipal code that prohibits development in the tsunami zone other than essential structures such as hospitals and fire and police stations, or special occupancy structures such as schools and large auditoriums. In fact the tsunami hazard maps have never been adopted as part of the comprehensive plan or the zoning ordinance and so do not fall under the terms of this Goal.

In any event, as noted in the application materials, only a few feet to the south or east are easily accessible areas that will provide safe refuges from any tsunami. In fact, the city has marked the street right in front of the two vacant lots, "Leaving Tsunami Zone." As was shown in the DOGAMI "Beat the Wave" modeling, people in the rezoning area will have 20 minutes or more to get to high ground after the earthquake shaking stops, and will easily be able to reach high ground just by going at what DOGAMI calls a "slow walk pace."

As the staff report notes, the site already is developed. Allowing continued occupancy and development is not contrary to the comp plan or the code. If the city feels additional controls are necessary it is free to enact them, but at this point there is nothing in the plan or the code that provides a basis for limiting development in the tsunami zone.

6. Housing Goal

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

As said in the written narrative, the rezoning will have little or no effect on the availability of housing, especially workforce housing since the land is so expensive (\$2.8 million per acre, plus another \$1.2 million for the existing improvements). The staff report repeatedly emphasizes that the rezoning would remove 2.06 acres of RM zoned land from the available supply of 83.5 acres. Actually, as described before, the actual area east of the vegetation line, which is the developable area, is just one acre. The rest is down over the bluff and on the beach. And all but a quarter of the one remaining acre is already developed and not counted in the 83.5 acres of available RM land. So this rezoning would not reduce the inventory of available RM land by 2 acres.

Also, the staff report lists the kinds of residential development that is allowed in the RM zone, and correctly observes that the RC zone would allow all of them, with the only difference being that a multi-family development would require a conditional use permit in the RC zone, but would be allowed outright in the RM zone. This is a distinction that means nothing in terms of the availability of land for multi-family development. So in fact, the rezoning would not remove any land from the available supply of land zoned for multi-family residential development and it will continue to be available for such development if owners should choose to do so.

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 staff report says this goal either is not applicable or not satisfied. I generally agree with the first, that it's not applicable, with the exception of the existence of a significant aesthetic area at SW 3rd Street.

LCMC 17.48.020 says development in areas of significant aesthetic resources must not reduce the scenic character of the area or substantially alter the natural vegetative cover. The comprehensive plan provides a means for ensuring the aesthetic character of the area is protected when development is proposed. As noted in the application materials, the comprehensive plan requires development within 100 feet of a significant aesthetic resource to be subject to a planning commission review, which is to consider:

- How the activity will maintain natural vegetation.
- If vegetation is removed, how the activity will restore and protect the site from erosion and other negative results.

- If necessary, how the activity should be screened to protect the scenic view.
- The number, size, and design of signs associated with the activity.
- The extent [of] natural materials and design to be employed in the activity.
- The balance between the activity and other surrounding developed areas.
- How wildlife habitats and environmental quality will be protected.

The staff report says "While the applicant states that 'this extensive and detailed report will provide the city, through a decision by the Planning Commission, the means to ensure that development or redevelopment on the property will not adversely affect the aesthetic character of the area,' without a statutory development agreement, no mechanism is provided through a rezone application to make such a promise. Actually the opposite is true. This requirement will give strong control over development adjacent to the 3rd Street aesthetic area. And should a time come when a multi-family development is proposed for the area, the fact that it would be a conditional use rather than an outright use would give the city, through the planning commission, the power to impose appropriate conditions of approval protecting aesthetic resources, and even requiring a statutory development agreement that addresses that issue.

Also important from an aesthetic standpoint is the fact that any commercial development in the RC zone is subject to design review under the city's commercial design standards.

Finally, should the city want even more aesthetic protection it can negotiate a development agreement when development is proposed. Right now, no one is proposing development of any kind. But in a nutshell, the rezoning would provide aesthetic protections well beyond those the property currently bears and would be 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 staff report says there are no bicycle paths and only sporadic sidewalks in the area of the rezoning, and then concludes that the rezoning would make the transportation goal not met for pedestrian and bicycle traffic. Nowhere does the staff report provide any evidence indicating how that might be true. In the future, any new development will be required to install sidewalks – and they will do so at the time of development. But

there is no requirement for existing development to go back and put in sidewalks or bicycle routes.

The city's transportation system plan has the city responsible for sidewalk irfill along SW Ebb between 101 and SW 9th. It says the city will be the primary funding source for the sidewalks and puts them in what it calls Package 4, which is the lowest priority package of transportation improvement projects. In other words, the city, through the TSP, has determined that there is no glaring need for sidewalk improvements in this area at this time, but should funding become available, the city will put them in. Meanwhile, if any new development is proposed, sidewalks will have to be a part of that development.

Likewise, the TSP has a bicycle project for the rezoning area, consisting of pavement markings/signage (e.g., sharrows), designating SW Ebb Ave from US 101 to SW 6th St, and then winding around to Bard Road, as a shared roadway for bikes and cars. Again, this is shown as a city responsibility, and a low priority, again being in package 4.

10. Energy Goal

"To conserve energy."

The staff report says Goal 10 is "partially satisfied," but nowhere does it provide any indication of in what manner it might be unsatisfied, or, more accurately, in what ways the rezoning might not be consistent with the energy goal. The applicant's narrative provides abundant evidence that while there is no impact on the energy goal from the act of rezoning. Any future development, regardless of zoning, will be required to comply with the building code's energy conservation requirements (such as insulation levels), thus complying at that time with the energy goal.

Statewide Planning Goals

Finally I turn to the issues raised in the staff report regarding whether the proposed rezoning is consistent with the Statewide Planning Goals. The sections are numbered in accordance with the numbers of the specific goals. These goals mirror the city's comprehensive plan goals in large measure so the discussions are brief and incorporate the discussions of the appropriate comprehensive plan goals by reference. It is noteworthy that neither the Department of Land Conservation and Development nor the Oregon Department of Transportation has raised any issues regarding conformity with the Statewide Planning Goals.

Goal 2 Land Use Planning

Like the comprehensive plan's Goal 1, Statewide Planning Goal 2 is procedural. It sets how to develop a plan and how to revise it. It sets out procedures to be followed. The staff report first says "Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal." In other words, going through the land use planning process is what this goal requires. That's what this hearing is about and it demonstrates conformance to this goal.

But then the staff report says, "The proposed amendment does not further compliance with existing policies to stabilize and protect existing residential neighborhoods from incompatible uses." There is nothing in the staff report that explains how this conclusion was reached or why it is applicable under Goal 2. A hint comes from the staff report's incorporation of the discussion of the city's Goal 1 into this goal's explanation. The supposed issue there was that the change from RM to RC is a major change and therefore somehow not allowed. In response to that argument, I incorporate my response to the city's Goal 1 here.

I'll add that Statewide Goal 2 says plans "shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances." That is what this application is about. Change per se is not only not banned, it's recognized as appropriate. Statewide Planning Goal 2 also contains exactly the same language as Lincoln City's Goal 1 regarding what constitutes a major change. Then, under the topic of major changes, it says, "The plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the plan." That is what is being done here. The procedures for doing that are being followed and accordingly the proposed comprehensive plan amendment and zone change are consistent with Goal 2.

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

We agree that Goal 5 generally is not applicable, but do note the existence of the significant aesthetic area in the SW 3rd Street right-of-way. I incorporate my discussion of the city's Goal 8 here in this regard.

Goal 6 Air, Water and Land Resource Quality

The staff report says this goal is not applicable. To the extent it might be applicable we have addressed it in the other application materials.

Goal 7 Areas Subject to Natural Disasters and Hazards

The staff report says the site is "in the Bluff Erosion and Tsunami Evacuation Zones. The findings concerning the Comprehensive Plan's Natural Hazard Element are incorporated herein by this reference." It then concludes that the proposed rezoning is not consistent with Goal 7. In other words, merely because the site is in these two hazard areas the proposed rezoning is not consistent with the Goal. As was shown above under the comprehensive plan Goal 5, this is not the case. The responses to the City's Goal 5 are incorporated here by reference. . In a nutshell, the existence of the hazards does not preclude the rezoning or potential redevelopment of the site, erosion protection procedures are in place, and a slow walk will get you out of the tsunami zone.

Goal 10 Housing

The staff report says the proposed rezoning is not consistent with Goal 10. We disagree. The staff report says "Current multiple-family residential zoning would allow the existing residences to remain, as well as allowing for new development of multi-family dwellings on the undeveloped tax lots or a redevelopment of the entire site into a large multi-family complex." Largely true, except for a quibble on the idea of a "large" multi-family complex, for the reasons described at the outset including the small size of the properties, their long and narrow configuration, and the high value of this oceanfront land.

The staff report goes on to say, "A change of zoning to the RC zone would allow the same number of units currently allowed, but would require conditional use permit approval for such." The implication is that a conditional use is a bad thing, but from the city's standpoint it is good in that it gives appropriate controls that are not available with an outright use.

The staff report then says, "Zoning to the RC zone also allows for unlimited use of the existing dwellings as vacation rental dwellings, thus removing them from the available housing stock for permanent residences." There are six houses there. Three of them already are VRDs. Frankly this is a perfect place for VRDs: at the oceanfront and surrounded by commercial zoning. Allowing this area to have VRDs would in fact take some of the pressure off other areas where VRDs are not so compatible. The applicant's arguments regarding the City's housing goal are incorporated here by reference.

As the staff report notes elsewhere, the Housing Needs Assessment says that over the next 20 years there will be a need for 1,484 new dwellings, including second homes and VRDs. There is abundant residential land in the city and the UGB, and this site would accommodate less than one-half of one percent of the estimated demand. VRDs are part of the demand for housing and this site can accommodate a part of that VRD demand.

Goal 12 Transportation

The staff report says, "Neither bicycle lanes or sidewalks exist on the streets." Then it concludes that the zone change is consistent with Goal 12 for vehicular traffic, but not for pedestrian and bicycle traffic. No explanation is given for the pedestrian and bicycle conclusion other than a reference to the staff report findings concerning the City's Transportation goal. In fact the proposed rezoning is consistent with the statewide transportation goal for the reasons I have given under the city's transportation goal. It is relevant that ODOT has not objected to the proposed rezoning on this or any other grounds.

Moreover, the transportation goal is focused on transportation system planning, and the city, working with ODOT, recently adopted a TSP that complies with this goal. Future development will have to comply with the TSP. As demonstrated in the application, the rezoning will not result in any significant increase in vehicle trips or any other significant impact on the existing transportation system.

Nowhere does the staff report provide any evidence explaining how the current lack of sidewalks and bike routes makes the proposed rezoning inconsistent with the goal. As was said above under the city's transportation goal, in the future, any new development will be required to install sidewalks – and they will do so at the time of development. But there is no requirement for existing development to go back and put in sidewalks or bicycle routes. In any event, through the TSP the city already has a plan for putting in sidewalks and marking the street pavement for a bike route. Notably the TSP does not identify any need for a major transportation facility in this area.

Conclusion

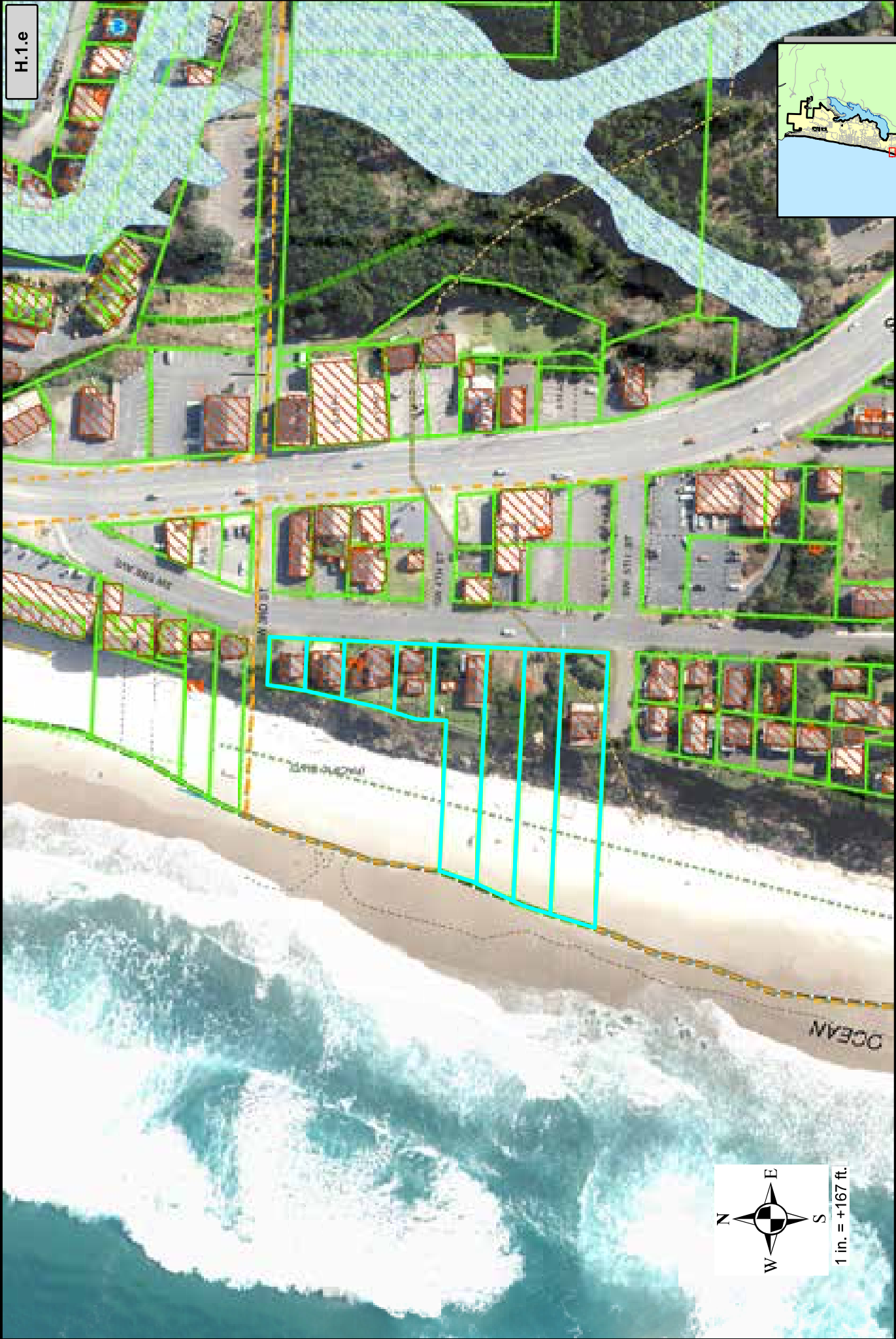
As shown here and in the application materials, the proposed rezoning is consistent with the comprehensive plan and the statewide planning goals. The evidence and conclusions in the staff report are insufficient to support a contrary conclusion. There is no opposition from the community or any public agencies, and the only comments submitted have been supportive of the rezoning.

It is a small area that is proposed for rezoning, it is unsuitable for apartment development, and it tidies up the interface between residential zoning and commercial zoning. It would be difficult to find a place where commercial zoning would have a lesser impact on nearby residential zoned lands.

Respectfully submitted,

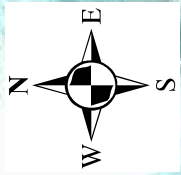


Richard Townsend
Townsend Planning & Design LLC

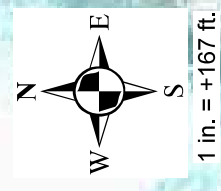


Aerial Map

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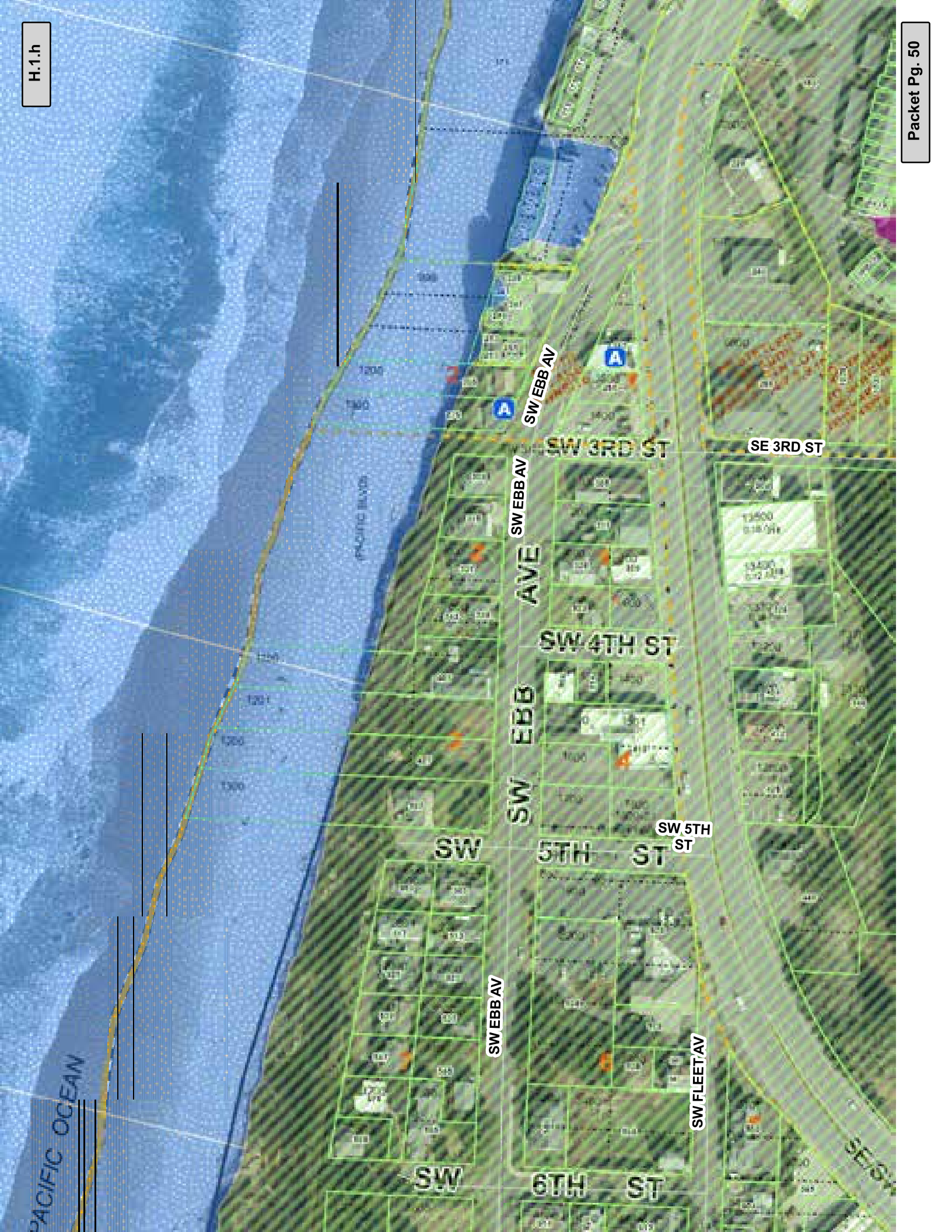




Zoning Map

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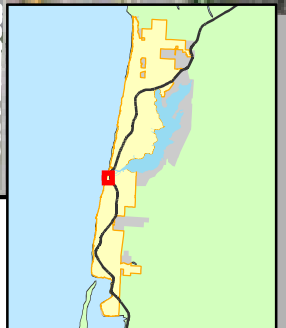


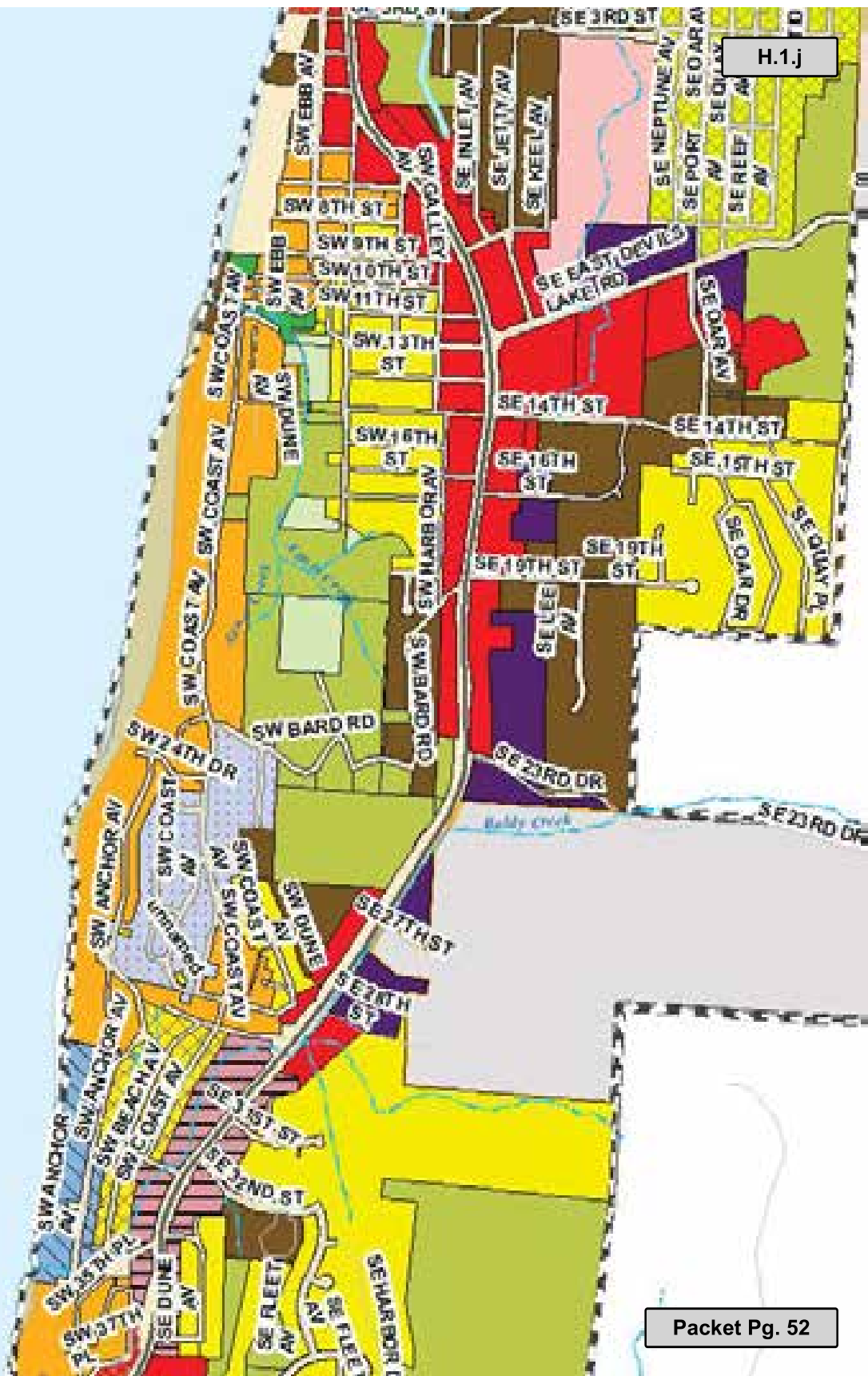

 1 in = 140 ft



Vicinity Map

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H.1.j

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

Amendments to the Lincoln City Comprehensive Plan Map and Lincoln City Municipal Code relating to CPA & ZC 2020-01, Lincoln County Assessor's Map 07-11-15-DB-00700, 07-11-15-DB-00800, 07-11-15-DB-00900, 07-11-15-DB-01000, 07-11-15-DB-01100, 07-11-15-DB-01201, 07-11-15-DB-01200, 07-11-15-DB-01300

**Final Recommendation
No. 2020-06**

NATURE OF THE APPLICATION

CPA & ZC 2020-01 would amend the Lincoln City Comprehensive Plan Map and Lincoln City Zoning Map to re-designate property at Assessor's Map 07-11-15-DB-00700, 07-11-15-DB-00800, 07-11-15-DB-00900, 07-11-15-DB-01000, 07-11-15-DB-01100, 07-11-15-DB-01201, 07-11-15-DB-01200, and 07-11-15-DB-013000 from Multi-Family Residential (R-M) to Recreation-Commercial (RC).

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on February 18, 2020, including the staff report, the Planning Commission recommends that the City Council approve the proposed comprehensive plan and zoning map amendments (4-3 vote). The four commissioners (Nelson, Schlesinger, Bruinerd, Blackerby) who voted in favor of the recommendation for approval based their vote upon the following factors:

1. The area surrounding the site has a distinctly commercial character;
2. Three of the properties are already Vacation Rental Dwellings (VRDs); and
3. The circumstances of the site (size of the lots, value of the ocean view, etc) make future development as multi-family residences unlikely.

The three commissioners (Kroen, Smith, Baker) who voted in opposition of the recommendation for approval based their vote upon the following factors:

1. Zoning for the entire city should be looked at comprehensively and revised accordingly rather than making piecemeal changes that are essentially spot zoning and inconsistent with the adopted Comprehensive Plan.
2. Testimony at the public hearing suggests that the request for a rezone is an attempt to circumvent VRD rules rather than an imminent desire to develop the site as commercial development. If there is a problem with the VRD rules, they should be dealt with by changing the VRD rules and not through lot-by-lot changes to the underlying zoning.

APPROVED THIS 19th DAY OF MAY, 2020.



Patti Kroen
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

Staff Report

City Council Hearing on June 8, 2020

Case File CPA/ZC 2020-01

Date: April 13, 2020

Case File: CPA/ZC 2020-01 Scrutton, et al Comprehensive Plan Amendment and Zone Change

Applicants:

Michael B. Test/Jean L. Celia 4523 Pacific Ct Lincoln City, OR 97367	Eugene L. and Karen L. Scrutton 7956 SE 17 th Ave Portland, OR 97202
Robert Glanville 315 SW Ebb Ave Lincoln City, OR 97367	Coast Commercial Associates LLC 735 Browning Ave SE, Ste 120 Salem, OR 97302
Monica Steele PO Box 967 Lincoln City, OR 97367	Eric W. Coats and Robin L. Coats, Trustees PO Box 5984 Bend, OR 97708

Applicant's Representative: Richard Townsend
Townsend Planning & Design LLC
1936 NE 63rd St
Lincoln City, OR 97367

Property Owners: Same as Applicants

Situs Addresses: 305 SW Ebb Ave, 315 SW Ebb Ave, 327 SW Ebb Ave, 339/343 SW Ebb Ave, 405 SW Ebb Ave, Unaddressed, 427 SW Ebb Ave, 887 SW 5th St

Location: West side of SW Ebb Ave, bordered by SW 3rd St to the north and SW 5th St to the south

Tax Map and Lots: 07-11-15-DB-00700, 07-11-15-DB-00800, 07-11-15-DB-00900, 07-11-15-DB-01000, 07-11-15-DB-01100, 07-11-15-DB-01201, 07-11-15-DB-01200, 07-11-15-DB-01300

Comprehensive Plan Designation: High Density Residential District (R-M)

Zoning District: Multiple-Family Residential (R-M) Zone

Site Size: 0.08 ac, 0.08 ac, 0.14 ac, 0.11 ac, 0.40 ac, 0.37 ac, 0.39 ac, 0.49 ac = 2.06 ac

Proposal: Comprehensive plan map amendment from High-Density Residential District (R-M) to Commercial-Recreation District (R-C) and zone change from Multiple-Family Residential (R-M) Zone to Recreation-Commercial (RC) Zone



Proposed Comprehensive Plan Designation:	Commercial-Recreation District (R-C)
Proposed Zone:	Recreation-Commercial (RC) Zone
Surrounding Land Uses and Zones:	North: Residential; RC South: Residential; RM East: Residential and Commercial; GC West: Pacific Ocean
Public Notice:	The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on January 28, 2020. <i>The News Guard</i> published the public hearing notice on February 5, 2020.
Authority:	Lincoln City Municipal Code (LCMC) Section 17.88.050, Action by the city council.
Applicable Substantive Criteria:	The amendment must be in conformance with the Oregon Statewide Planning Goals, the Lincoln City Comprehensive Plan, and the applicable provisions of LCMC Title 17.

BACKGROUND

The application for the requested comprehensive plan map amendment and zoning change was received on December 19, 2019 and deemed complete on January 6, 2020. Notice of the public hearings was mailed to property owners within 250 feet of the site on January 28, 2020. Notice of the public hearing was published in *The News Guard* on February 5, 2020.

A public hearing before the Planning Commission was held on February 18, 2020. The applicant's representative requested that the record be kept open for 7 days following the hearing to submit additional written testimony. The additional testimony from the applicant's representative was received on February 25, 2020. No additional comments were received in the 7-day period. The Planning Commission commenced deliberations on March 3, 2020, which was their next regularly scheduled meeting. Due to one of the commissioner's absence, the subsequent motion and vote for a recommendation failed with a tie vote of three to three. The Commission subsequently voted to continue deliberations and the vote to April 7, 2020, when the full commission would be present, thereby alleviating any chances for a tie vote. Due to COVID-19, the Planning Commission meeting for April 7, 2020 was cancelled, so the deliberations and vote were postponed to April 21, 2020. Planning Commission recommended approval of the comprehensive plan map and zone change in FR 2020-02.

The subject site consists of eight tax lots, and is hereinafter referred to as the site. The eight tax lots in their totality equal 2.06 acres and have five different ownerships. With the exception of two of the eight tax lots, the site is completely developed with residential dwellings. Construction dates of the existing houses, per Lincoln County Property Reports, are as follows: 305 SW Ebb Ave constructed in 1979; 315 SW Ebb Ave constructed in 1938; 327 SW Ebb Ave constructed in 1934; 339 and 343 SW Ebb constructed in 1940 and 1944 respectively; 405 SW Ebb Ave constructed in 1924; and 887 SW 5th St constructed in 1948. All were constructed as houses and are being used for residential purposes. They are being assessed for tax purposes as improved residential property.

The site is bounded by three streets and the Pacific Ocean. The north boundary of the site is SW 3rd Ave. The south boundary of the site is SW 5th Ave. The east boundary of the site is SW Ebb Ave. The west boundary of the site is the Pacific Ocean. The three streets are paved, public, local streets. None have sidewalks, curb, gutter, or bicycle lanes. The use of the properties immediately adjacent to the north of SW 3rd St of the site is residential. The use of the properties immediately adjacent to the east of SW Ebb Ave if the site is a combination of commercial and residential. The use of the properties immediately adjacent to the south of SW 5th St of the site is residential.

The southwestern-most portion of the site is in the Distant Tsunami Evacuation Zone. The remainder of the site is in the Local Tsunami Evacuation Zone. The southwestern-most portion of the site is in the VE Flood Hazard Area. The remainder of the site is not in a special flood hazard area. The site contains no wetlands, significant wetlands, delineated wetlands, or significant riparian areas. The site contains no historical or cultural resources. The portion of SW 3rd St immediately abutting the northern property line of the site is an aesthetic resource, but the site itself contains no aesthetic resources. The entire site is in the Bluff Erosion Zone, ranging from the Active Hazard Zone, to High Hazard to Moderate Hazard to Low Hazard Zone. The very southeastern-most portion of the site is not in the Bluff Erosion Zone.

ANALYSIS

The city's comprehensive plan provides for major and minor revisions. Major revisions are changes to the comprehensive plan and zoning map that have widespread and significant impact upon the immediate area of the change; such as quantitative changes, producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to commercial land use; or a spatial change that affects large areas or many different ownerships. Staff considers this a major revision since the requested change from multiple-family residential to recreation-commercial zoning would produce a qualitative change in the character of the land use itself from residential to commercial, as well as being a spatial change since the request includes eight tax lots with different ownerships. The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the Comprehensive Plan.

If rezoned, the property owners may use the tax lots for any use the Recreation-Commercial (RC) zone permits. In an RC zone, the following are given as examples of those uses which meet the intent of this zone:

- A. Motels and resorts;
- B. Eating and drinking establishments;
- C. Gift shops;
- D. Convention centers;
- E. Single-family dwellings and duplexes;
- F. Time-share units;
- G. Bed and breakfast accommodations;
- H. Attached single-family dwellings;
- I. Manufactured homes;
- J. Essential emergency communications, early warning and associated emergency facilities;
- K. Community gardens and market gardens;
- L. Mixed-use development;
- M. Transportation uses;
- N. Tiny house developments;
- O. Four-flat dwellings.

Vacation rental dwellings are also allowed as a permitted use in the RC zone.

A. Lincoln City Comprehensive Plan Goals

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 (Comprehensive Plan) and implementing land development regulations (including Zoning Title 17) as complying with the Statewide Planning Goals. Review of these amendments in accordance with the Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.88, establishes conformance with this goal.

The Comprehensive Plan Land Use Planning element states that zoning as the most common method of land use regulation and control. It is generally guided by the comprehensive plan. Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

The request is to change approximately 2.06 acres of property currently zoned as the Multiple-Family Residential zone to the Recreation-Commercial zone. The proposed map amendment and zone introduces a new zone to the area of the site. The site is bordered by SW 3rd St to the north. Staff notes that, while there is Recreation-Commercial zoning north of SW 3rd St, a review of the zoning map shows that there is no Recreation-Commercial zoning south of SW 3rd St until SW 36th St. In fact, there is no Recreation-Commercial zoning at all from the Pacific Ocean to the eastern City limits in the area between south of SW 3rd St and the north side of SW 36th St. It is this area in which the site resides.

An extension of the RC zone to the south will represent an intrusion into the existing residential area that is not consistent with the unamended portion of the Comprehensive Plan. The change is not consistent with the land use planning goal, as it represents a major shift or the first domino to fall in an area that currently contains no RC zoning. Accordingly, the amendment is not consistent with the City’s land use planning goal.

Goal 1 is not satisfied.

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 says "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.

Goal 2 is satisfied.

3. Public Services and Utilities Goal

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

Public services and utilities are already in place at the site 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. NW Natural provides natural gas service;
- e. Various providers provide land line and cellular telephone service.
- f. Streetlights are provided from the City of Lincoln City and Pacific Power.

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 has already developed as urban. The proposed rezoning will not change the current urban development and may allow for increased intensity of use.

Goal 4 is satisfied.

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 the site as being in the Bluff Erosion zone. With the exception of two of the eight tax lots, the site is fully developed with residential dwellings.

Future development on the site can be consistent with Goal 5, provided there is strict adherence to Chapter 17.47 LCMC in any such development.

6. Housing Goal

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

The applicant states:

“The proposed rezoning will have little if any effect on the availability of adequate numbers of needed housing units at price ranges and rents commensurate with the area. Because the property is ocean-front, and ocean-front property is expensive compared to other properties, there is no practical way the property could be used for affordable or workforce housing.”

The proposed rezoning would convert approximately 2.06 acres of development land from multiple-family residential zoning to recreation-commercial zoning. The proposed RC zone permits single-family dwellings and duplexes, attached single-family dwellings, manufactured homes, tiny house developments, and four-flat dwellings, as accessory dwelling units. Multi-family dwellings are allowed with conditional use permit approval.

The site in its current zoning could support the conversion of the existing dwellings to multi-family dwelling units as an outright permitted use. The site could also continue to support the existing residences as well as new residences or new multi-family dwellings on the undeveloped portion of the site without any zone changes. Additionally, the site could support a joint conversion from the existing single-family dwellings to a multi-family dwelling complex in its present zone.

The City conducted an Economic Opportunities Analysis and Housing Needs Analysis, dated April 2017, prepared by Cogan Owens Greene, FCS Group, and Fregonese Associates. An analysis of the existing housing and tenancy found the current housing mix consists primarily of single-family detached homes, with 61 percent of the total housing stock. Multi-family housing accounts for 19 percent of the housing inventory. Townhomes/plexes and mobile homes each account for 10 percent of the housing inventory. Among permanent residents, owner-occupied housing is concentrated in the single-family detached and mobile home categories.

The resulting baseline housing forecast for the City identifies the need for 948 net new dwellings for permanent residents over the next 20 years. If we assume the current level of seasonal housing (second homes and short-term rentals) and vacant inventory remain at current levels (36 percent 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.

The study showed the buildable land inventory for residential uses in the City includes approximately 1,124.5 acres on 1,702 tax lots. Nearly 93 percent 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. The study states that the estimated demand for residential lands in the 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. Even though the City has a surplus of buildable residential lands, the bulk of the current housing stock is single-family detached homes. Removing 2.06 acres of land that currently outright permits multi-family dwellings, while not impacting to a significant degree the surplus, does impact the potential the site has for developing into multi-family housing units which are lacking.

Staff finds the request is not 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 applicant states the following:

“The proposed rezoning will have a positive effect on the tourist economy...It will encourage development or redevelopment of the property to be rezoned and if used as vacation rentals will allow that use to continue indefinitely rather than ceasing on the sale or transfer of the property.”

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 City conducted an Economic Opportunities Analysis and Housing Needs Analysis, dated April 2017, prepared by Cogan Owens Greene, FCS Group, and Fregonese Associates. The lodging demand portion of the analysis indicated that over the next 20 years there will be demand for approximately 1,600 new hotel/motel rooms in Lincoln City. Lodging is one of the recommended target uses from the study, as well as food/beverage services. Both motels and resorts and eating and drinking establishments are permitted uses in the RC zone.

Staff finds that Goal 7 is satisfied.

8. Aesthetic Goal

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

With the exception of two of the eight tax lots comprising the site, the site is fully developed with existing structures. No changes to the site, the landscaping, or the exteriors of the buildings are proposed as part of this application. The application does not include a request for a statutory development agreement, nor does it include any development plans for the two undeveloped tax lots or redevelopment plans for the developed tax lots. While the applicant states that “this extensive and detailed report will provide the city, through a decision by the Planning Commission, the means to ensure that development or redevelopment on the property will not adversely affect the aesthetic character of the area,” without a statutory development agreement, no mechanism is provided through a rezone application to make such a promise.

Staff finds that Goal 8 is either not applicable to this application or is not satisfied.

9. Transportation Goal

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

The site is accessible by SW Ebb Ave, which is a paved local public street. SW Ebb Ave does not contain sidewalks or bike paths. The site’s SW Ebb Ave frontage connects to Hwy 101 to the east via SW 3rd St, SW 4th St, and SW 5th, all of which are paved local public streets. None contain bicycle paths. Sidewalks are sporadic, and there are no marked crosswalks at any of the intersections between the site and Hwy 101.

Staff finds Goal 9 is satisfied for vehicular traffic, but not for pedestrian and bicycle traffic.

10. Energy Goal

“To conserve energy.”

No new construction is proposed. No additions or remodeling are proposed. The structures will remain in their current status built to whatever energy and building codes existed at the time of construction. The site is close to other destinations and services.

Staff finds Goal 10 partially 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 site is largely developed. The city’s inventory of natural resources, including wetlands, riparian areas, and fish and wildlife habitat, show none are on the site. The site contains no known aesthetic, cultural, or designated historic resources.

Staff finds Goal 11 is satisfied.

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

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

With the exception of two of the eight tax lots comprising the site, the area proposed for rezoning is a developed site containing buildings and landscaping. Rezoning of the already-developed tax lots will not have any environmental or other additional impact on the coastal shorelands. Since the entire site is in the bluff erosion zone, development of the two undeveloped tax lots will necessitate a topographic survey, followed by a geotechnical report, wherein the unaltered bluff edge and maximum annual erosion rate is identified, which will further identify the required minimum setback from the unaltered bluff edge. With adherence to development requirements regarding bluff erosion zones, this goal is satisfied.

Staff finds Goal 12 is satisfied.

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 is available at no cost on the City’s website and also available for public review and purchase at the counter. Staff is available to explain the proposal and technical information. The City publishes hearing notices in the local newspaper in accordance with notice requirements and mails notices to impacted property owners pursuant to Measure 56. 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 not consistent with the planning process and policy framework; specifically, the proposed amendment does not further compliance with existing policies to stabilize and protect existing residential neighborhoods from incompatible uses. The findings concerning the planning goal for the Comprehensive plan are incorporated herein by this reference.

The proposal is not 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.

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.

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, designated as Scenic Historic Areas, or identified in the Natural Resources Overlay Zone.

Goal 5 is not applicable.

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. No new construction, additions, or new development are proposed as part of this application.

Goal 6 is not applicable.

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

City maps show the site as being in the Bluff Erosion Zone. The findings concerning the Comprehensive Plan’s Natural Hazard Element are incorporated herein by this reference.

The proposal is only consistent with Goal 7 with strict adherence to Chapter 17.47 LCMC.

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 recreation commercial zone permits recreational uses of eating and drinking establishments.

The application is consistent with Goal 8.

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

The proposed rezoning allows for economic uses, including motels and resorts, eating or drinking establishments, gift shops, or vacation rental dwellings. The findings concerning the Comprehensive Plan’s Economy Goal are incorporated herein by this reference.

The proposed rezoning is consistent with Goal 9.

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

Current multiple-family residential zoning would allow the existing residences to remain, as well as allowing for new development of multi-family dwellings on the undeveloped tax lots or a redevelopment of the entire site into a large multi-family complex. A change of zoning to the RC zone would allow the same number of units currently allowed, but would require conditional use permit approval for such. Zoning to the RC zone also allows for unlimited use of the existing dwellings as vacation rental dwellings, thus removing them from the available housing stock for permanent residences. The findings that address the City’s housing goal are incorporated herein by this reference.

Staff finds the proposal is not 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 to the site. The findings concerning the City’s Public Services and Utilities goal are incorporated herein by this reference.

The proposed rezoning is consistent with Goal 11.

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

The site is accessible by SW Ebb Ave, a local public street. SW 3rd St is north of the site, and SW 5th St is south of the site; both are local public streets and both directly connect with NW Highway 101, which is a principal arterial. The proposed use, therefore, is consistent with the City's Comprehensive Plan and Transportation Plan as it has access to three local streets and close connection with a principal arterial. Neither bicycle lanes or sidewalks exist on the streets. The findings concerning the City's Transportation goal are incorporated herein by this reference.

The proposed comprehensive plan map amendment and zone change is consistent with Goal 12 for vehicular traffic, but not for pedestrian and bicycle traffic.

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

With the exception of two of the eight tax lots comprising the site, it is fully developed with existing dwellings. No new development or construction is proposed. In the event any new development or construction takes place at a future date, such development or construction will have to comply with building and energy codes in place at the time of application. The findings concerning the City's Energy goal are incorporated herein by this reference.

Goal 13 is not applicable to this application.

Goal 14 – “Urbanization” “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The proposed rezoning is an up-zoning to a more intense district of a property already built for urban use. The findings concerning the Comprehensive Plan's Land Use goal, Housing goal and Urbanization goal are incorporated herein by this reference.

The proposal is 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 proposed rezoning does not affect any areas within the Willamette River Greenway; therefore, Goal 15 is not applicable.

Goal 16 – “Estuarine Resources” “To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.”

The proposed rezoning 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 site is in the Bluff Erosion Zone, but most of the site is already developed. Adherence to requirements pertinent to development in the Bluff Erosion Zone is required for any new development or redevelopment of the site. The findings concerning the Comprehensive Plan's Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference.

Goal 17 is satisfied.

Goal 18 – “Beaches & Dunes” “To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”

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 & 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 rezoning is on the dry land area of the City, the proposed rezoning will not affect the near shore ocean and continental shelf. The findings concerning the City's Shoreland, Beaches, Dunes, Estuary & Ocean Resources goal are incorporated herein by this reference.

Goal 19 is not applicable.

Council Communication

ANNEX 2020-01 CPA/ZC 2020-02 Woods annexation

Meeting Date:	June 8, 2020	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Should the City Council approve the requested annexation of approximately 11.15 acres into the City of Lincoln City, with a comprehensive plan map designation of Single-Family Residential District and a zone of Single-Family Residential (R-1-5)?

Staff Recommendation:

Staff recommends the Council hold the public hearing, close the public hearing and record, deliberate, and vote to approve or deny the requested annexation, comprehensive plan map change and zone change.

Authority:

Lincoln City Municipal Code (LCMC) Section 17.88.050 Action by the City Council

Background:

See attached staff report

Council Options:

- 1) Hold the public hearing and continue the hearing to the next City Council meeting.
- 2) Hold and close the public hearing, but keep the record open.
- 3) Hold and close the public hearing, close the record, begin deliberations, but continue deliberations and decision to the next City Council meeting.
- 4) Hold and close the public hearing, close the record, deliberate, and hold a vote to approve or deny the request.

Financial Impact

Will add tax revenue if the request is approved. Additional impact to infrastructure in this area of the city, namely storm, sewer, water, and streets.

Potential Motions:

- 1) Motion to close the public hearing, but keep the record open until...
OR
- 2) Motion to close the public hearing and the record. If so, then:
 - Motion to approve ANNEX 2020-01 CPA/ZC 2020-02, a request to annex approximately 11.15 acres into the City of Lincoln City, and change the comprehensive plan map designation to Single-Family Residential District and the zone to Single-Family Residential (R-1-5) for the reasons stated.
 - Motion to deny ANNEX 2020-01 CPA/ZC 2020-02, a request to annex approximately 11.15 acres into the City of Lincoln City, and change the comprehensive plan map designation to Single-Family Residential District and the zone to Single-Family Residential (R-1-5) for the reasons stated.

See attached staff report

Attachments:

Application Package(PDF)
 Woods extension (MSG)
 Aerial Map (PDF)
 Geologic Features Map (PDF)
 Natural Resource Overlay Map (PDF)
 Utilities Map (PDF)
 Zoning Map (PDF)
 Comments Neighbor Dunne (PDF)
 Comments Neighbor Dunne for CC (PDF)
 FR 2020-01 - ANNEX 2020-01 - Signed (PDF)
 FR 2020-06 - CPA and ZC 2020-02 - Signed (PDF)
 Items for CC packet (MSG)
 CC p-Preliminary Master Plan (PDF)
 CC Preliminary Master Plan with roundabout (PDF)
 CC Regulating Plan 1 of 2 rev 081214.24x36 (PDF)
 CC Regulating Plan 2 of 2 rev 081214.24x36 (PDF)
 Staff Report ANNEX 2020-01 CPA ZC 2020-02 for CC Hearing(PDF)

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 <div style="border: 2px solid blue; padding: 5px; text-align: center;"> Stamp Date Received PLANNING JAN 9 2020 RECEIVED </div> File No: _____
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APPLICATION TYPE

<input checked="" 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: Woods One LLC
MAILING ADDRESS: 24850 SW Melott Road
CITY: Hillsboro **STATE:** OR **ZIP:** 97123
DAYTIME PHONE: 503.628.0950 **Signature:** [Signature]
EMAIL (OPTIONAL): SWOODS.Home@aol.com

OWNER OF RECORD (if other than applicant)
NAME: _____
MAILING ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
DAYTIME PHONE: _____ **Signature:** _____
EMAIL (OPTIONAL): _____

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: _____
PROJECT ADDRESS: _____
ASSESSOR'S MAP NO.: 06-11-35 CC **TAX LOT(S):** 02400802900
AREA: 11.15 (acres) **SQ. FT.:** _____ **ZONING:** County R-1-A

ANNEXATION PETITION

AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING MAP

Lincoln City Comprehensive Plan's Urbanization Policy 5.g. states, "Annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon statutes."

The City's Comprehensive Plan also states that minor revisions to the Comprehensive Plan and Zoning Map shall be reviewed by the Planning Commission, which shall forward a recommendation to the City Council.

THE FOLLOWING ATTACHMENTS MUST ACCOMPANY THIS APPLICATION:

FOR MAP AMENDMENTS: the applicant shall provide title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application.

EVIDENCE IN SUPPORT OF REQUISITE FINDINGS OF FACT: In order for the city council to adopt an ordinance for an amendment to this zoning ordinance, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. The burden is on the applicant to submit such evidence, responding to the following (additional sheets may be attached if necessary):

ANNEXATION CRITERIA

According the Urbanization policy 5(g) set forth in the City's Comprehensive Plan (page 26), "Annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon Statutes." Therefore, the Statewide Planning Goal number 14 is considered below. Describe how your proposal addresses the following items:

STATEWIDE PLANNING GOAL 14 CONSIDERATIONS

CONSIDERATION 1: The need for orderly, economic provision for public facilities and services.

See attached narrative

CONSIDERATION 2: The need for availability of sufficient land within the City for the various uses, to insure choices in the market place.

SEE ATTACHED NARRATIVE

CONSIDERATION 3: The acknowledged comprehensive plan.

See attached narrative

CONSIDERATION 4: The need for encouragement of development within the current City boundaries before annexation of additional land.

See attached narrative

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT CRITERIA

According to the City's Comprehensive Plan, changes to the Comprehensive Plan and Zoning map "must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the Comprehensive Plan. Describe how your proposal addresses each of the Statewide Planning Goals below:

See attached narrative

Statewide Planning Goals

Goal 1- Citizen Involvement

Goal 2- Land Use Planning

Goal 3- Agricultural Lands

Goal 4- Forest Lands

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

Goal 6- Air Water and Land Resources Quality

Goal 7- Areas Subject to Natural Disasters and Hazards

Goal 8- Recreational Needs

Goal 9- Economic Development

Goal 10- Housing

Goal 11- Public Facilities and Services

Goal 12- Transportation

Goal 13- Energy Conservation

Goal 14- Urbanization

Goal 16- Estuarine Resources

Goal 17- Coastal Shoreland

Goal 18- Beaches & Dunes

Goal 19- Ocean Resources

This application is hereby submitted, and the statements and information are true and complete to the best of my/our knowledge.

APPLICANT'S VERIFICATION

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the information in this application and its attachments is true, complete, and correct.

John R. Wood
Applicant

1-4-2020
Date

NOTE TO APPLICANT: Since the burden of presenting evidence to support the request rests with the applicant at the public hearing, your attendance and participation at this public meeting, or that of your representative, is respectfully requested.

Burden of proof. The specific findings made by the City Council, upon the recommendation of the Planning Commission, to adopt an ordinance to annex this area and/or amend the comprehensive plan text and/or map must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced concerning the requisite findings listed in LCMC 17.88.050 (D), the application may be denied based upon improper or inadequate findings. The evidence produced must be referenced in the final order and findings of fact adopted as a part of the ordinance adopting the amendment proposal.

APPLICANTS' NARRATIVE

Nature of Request

Woods One LLC seeks annexation of approximately 11.15 acres of land located within the Urban Growth Boundary. They propose a change in zoning from Lincoln County's R-1-A zone to the city's R-1-5 zone.

Site Information

Applicants/Owners: Woods One LLC
24850 SW Melott Road
Hillsboro, OR 97123

Applicants' Representative: Richard Townsend
Townsend Planning & Design LLC
1936 NE 63rd Street
Lincoln City, OR 97367

Maps and Tax Lots: Map 06-11-35CC, Tax Lots 02400 and 02900

Location: East side of Logan Road, SE of Port Lane intersection

Current County Comprehensive Plan Designation: Residential

Current County Zoning Designation: Single-Family Residential (R-1-A)

Proposed Comprehensive Plan Designation: Single-family Residential R-5

Proposed Zoning Designation: Single-family residential (R-1-5)

Surrounding Land Uses And Zoning: North: Residential (R-1-RE)
East: Residential (R-1-7.5)
South: motel and vacant land (RC, Recreational Commercial)
West: Residential (R-1-RE)

Evidence of Compliance with Standards

LCMC 17.88.030.E. requires an applicant for a comprehensive plan amendment to provide evidence “indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan” and other applicable standards. According to the Comprehensive Plan, the proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan. This evidence is provided here.

A. 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 Comprehensive Plan of Lincoln City is the document that guides land use decisions in the City of Lincoln City. The plan, which the Oregon Department of Land Conservation and Development has acknowledged as consistent with the Statewide Planning Goals, is the policy framework that guides the city’s land use decisions as it establishes goals and policies that provide a general framework for implementing land use regulations. As described below, this application complies with the comprehensive plan’s goals and policies.

Regarding the process for this application, the city code does not specify a process or criteria specifically for making a decision on annexation. But the city does have a general procedure, set out in Chapter 12 of LCMC Title 17, for handling such decisions. With two public hearings including published and mailed public notice, this process complies with this goal. Since this application will go through this process, it too complies with this goal.

2. Citizens Involvement Goal: *“Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.”*

The City has a Citizen Involvement Program that provides opportunities for citizens to participate in policy and ordinance development and to comment on specific land use proposals. The present application for annexation and rezoning will be available for public review and examination at the Planning Department and online at the city’s website. There will be two public hearings that will be preceded by notice to the public in general and specifically to surrounding property owners. Both the city’s planning commission and city council will hold public hearings on this application and the hearings, which will be televised and live-streamed, will include opportunities for written and oral public comments. This process makes this application consistent with this goal.

3. Public Services and Utilities Goal: *“To plan and develop timely, orderly, and efficient arrangement of public facilities and services which complement the area and serve as a framework for urban and rural development.”*

A gravity sewer line runs along the north property line of the Woods property, and another runs in the Logan Road right-of-way on the west side of the property. A 4.25 million gallon water tank is on the city-owned property immediately to the north, where there also is a water pump station. A water main runs just to the north of the sewer line that is on the property line. Water mains also run in the Logan Road right-of-way. According to the city engineer, both the water and sewer lines have the capacity to serve development of the Woods property. The Roads End South sewer pump station serves the area of the Woods property, and the city recently upgraded it by installing two new pumps, upgrading the electrical controls, replacing the generator, and bringing the pump station building up to current code standards. According to the city’s website, “The Roads End South Pump Station Upgrade Project was implemented to serve the existing service area and to handle additional flows from future development.”¹ The development that would follow the proposed annexation and rezoning, subject to planning Commission approval of any subdivision or planned unit development plan, is exactly what this pump station upgrade was designed to accommodate.

Regarding stormwater, there is a natural drainage way that will serve adequately for stormwater control. At the present time that drainage way also is used by the city for drainage from the 4.25 million gallon water tank on property adjacent to the Woods property. The city does not have an easement for this use of the Woods property, but the Woods are willing to provide such an easement. This will contribute to the orderly development of stormwater management facilities in Lincoln City. This goal is satisfied.

4. Urbanization Goal: *“To promote an orderly and efficient transition of land uses from rural to urban.”*

The Woods property lies well within the Lincoln City urban growth boundary, and in fact well within the Lincoln City city limits. The Woods property is an island of unannexed territory that is surrounded on all sides by lands that are inside Lincoln City and developed with urban uses. Because it is within the long-established urban growth boundary the property is expected to be urbanized (i.e. developed with urban uses). This is because lands inside the urban growth boundary encompass those lands eligible for annexation to the City and conversion to urban uses in accordance with the Lincoln City Comprehensive Plan. The proposed map amendment would allow development of the property to proceed as an infill project, thus ensuring that eligible lands within existing boundaries are urbanized before outward expansion occurs.

¹ <https://www.lincolncity.org/roadsendsouthpumpstation>

As shown above, the Woods property already has water and sewer mains immediately adjacent, so no new extensions of mains would be needed to serve this site. Moreover, the Woods property is located close to employment areas, recreational areas, public services, and local and regional public transportation routes. This makes the property highly desirable for residential development, moreso than other areas that are within the city's urban growth boundary – such as the east side of the lake and the holly farm area – but lacking some or all of these advantages. The proposed annexation conforms to this goal.

5. Natural Hazard Goal: *"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."*

Lincoln City has identified and mapped various areas of natural hazards such as those described in Environment Hazards, Coastal Lincoln County, Oregon (RNKR, 1979), in flood hazard mapping, and more recently in reports from the Oregon Department of Geology and Mineral Industries relating to tsunami inundation and coastal erosion that have been incorporated into the city's comprehensive plan. The Woods property is not located in any of the identified hazard area, so there will be no development in a hazardous area resulting from the proposed annexation and rezone. Accordingly the proposal to annex it and rezone it to the city's R-1-5 zone is consistent with this goal.

6. Housing Goal: *"To provide for the housing needs of all citizens."*

The proposed annexation and rezoning are consistent with the city's housing goal. Given the size of the property (11.15 acres) the Lincoln City Municipal Code will require it to be developed under the code's Planned Unit Development provisions. Using the calculations required by LCMC 17.52.210, the maximum number of dwelling units that would be allowed, exclusive of any density bonuses, is 80 units. While no specific plan of development has been settled on, the Woods intend to include a substantial proportion of workforce housing in the property's development mix. This directly addresses the plan's goal of providing for the housing needs of all citizens. Importantly, the Woods property is close to food stores, drug stores, employment centers (e.g. the casino and two shopping centers), recreational resources (e.g. the beach, the trails to the knoll and the thumb), public services (e.g. DMV, the Oregon Employment Department, and the Lincoln County Health Department), the future school site at the holly farm, and both local and regional public transit services. Water and sewer mains with sufficient capacity to serve the property are immediately adjacent to it, meaning that no expensive extensions of the mains will be required. The topography of the site essentially forces leaving a substantial portion of the property undeveloped, which will have the benefit of providing for on-site recreational opportunities and natural stormwater detention and treatment. Moreover, it is an island of undeveloped residential land, surrounded by fully developed land. In sum, it is

hard to imagine property in Lincoln City that is more appropriate for development for residential use.

When this property was proposed for annexation several years ago, some argued that bringing it into the city would lower land values, which that that time were still feeling the effects of the Great Recession. In rejecting the annexation of the property, some city council members apparently thought their duty was to keep property values artificially high by limiting the supply of developable land. This actually is contrary to the intent of the Comprehensive Plan's Housing Goal. The goal speaks to the housing needs of *everyone*, not just those with the wherewithal to purchase high-priced land. The explanation of the Housing Goal cites four user groups competing for housing in Lincoln City: (1) the permanent resident seeking shelter at affordable prices; (2) the tourist industry seeking seasonal shelter for its employees; (3) the elderly population seeking retirement shelter; and (4) the seasonal resident seeking shelter. The conclusion reached in the Housing Goal is, "There is a competition for the limited housing available in Lincoln City. The competition creates artificially high prices and reduces housing choices." The intent of the Housing Goal is to address the need for housing choice; and thus the focus for the Housing Goal is not on keeping prices up, but on ensuring everyone in the city is able to find affordable housing.

Those who felt that the city had a duty to keep prices up focused on a few items to demonstrate the problem. Among the evidence they cited were the following:

1. The fact that in 2013 land values in the Hunters Highland subdivision were 58.6% of their 2010 values.
2. The fact that the Bayview subdivision had gone into default.
3. The fact that there was a pending proposal for a 234-unit planned unit development in the Lincoln Palisades area.
4. The fact that there were 790 vacant, residentially-zoned parcels in Lincoln City.

In the final order denying the annexation application, the City Council made a point of noting that their decision might be different in the future. In describing the motion to deny the application, the Final Order says,

The Council motion clearly indicated that the Council believed there was no current public need/public necessity for the annexation and zone change at this time. [emphasis in original]

In fact, much has changed since that time:

1. According to data from the Lincoln County Assessor's office, in 2019 the lot values in Hunter's Highlands average 288% of what they were in 2012.

2. The Bayview subdivision is thriving, being more than two-thirds sold out with only 24 out of the original 73 lots still available for purchase (one actually is a resale by an original purchaser).
3. The 234-unit Lincoln Palisades PUD proposal was withdrawn, and more modest subdivisions have taken its place ("Phase 3" with 12 lots priced at an average of \$85,000, and "Phase 4" with 11 lots priced at an average of \$70,000).
4. The number of undeveloped lots is not the same as the number that are on the market. A quick search shows that as of early November 2019 there were only 111 residentially-zoned properties (including dividable parcels) on the market. In fact there were only 71 lots that were other than in-fill lots in subdivisions on the market (Bayview, 24 out of 73 original lots; Garden Estates, 7 out of 44 lots; Olivia Beach, 4 out of 72 lots; Lincoln Palisades Phase 2, 5 out of 44 lots; Lincoln Palisades Phase 3, 8 out of 12 lots; Lincoln Palisades Phase 4, 9 out of 11 lots; Belhaven, 14 out of 35 lots). In the five years since the original annexation application was filed, the city has added only 67 new lots to the city's supply, but has issued building permits for over 300 new single unit dwellings.

According to the city's 2017 Housing Needs Assessment, which came out two years after the City Council's decision on the original Logan Park annexation application, land prices in Lincoln City reflected a shortage of available lots:

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. (*City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis*, p. 28)

This conclusion is echoed and reaffirmed by more recent data. For example, according to the Trulia website, the median home sales price in Lincoln City rose over 65% from \$189,000 in 2015 to \$312,500 in 2019 (accessed August 27, 2019).

Some may observe that the 2017 Housing Needs Assessment concludes that there is a substantial "surplus" of residentially-zoned land within the Lincoln City UGB. One must keep in mind the purposes of the Housing Needs Assessment and the Buildable Lands Inventory. With respect to residential development, there are two. The first is to predict the numbers and kinds of housing units that the city will need over the coming 20 years. The second is to determine whether there is enough developable land within the urban growth boundary (UGB) to allow development of that needed housing, and if there isn't, to identify the steps that need to be taken to make sure there will be enough land. The state law governing the sufficiency of buildable lands within the UGB gives a city three ways to correct any identified shortfall: (1) amend the city's urban growth boundary to increase its size, (2) amend the city's

comprehensive plan or zoning ordinance to allow more density, or (3) a combination of the first two.³

So, what does our housing needs assessment and buildable lands inventory say about Lincoln City? At its most basic level, it says Lincoln City has plenty of available land inside its UGB for residential development through 2036 and therefore there is no need to add more land to the UGB to meet state law requirements. The actual figures are: a need for 206 to 249 acres of land, a supply of 1,124 acres within the UGB, and therefore a "surplus" of 876 acres within the UGB.

Keep in mind that the state just requires the needed land to be inside the UGB. It doesn't say anything about whether the land has to have full city services (i.e. water and sewer), whether it has to have any proximity to employment, food stores, or schools, or whether it has access to public transit, despite the fact that these attributes are key to whether land is desirable for needed housing. And in fact, the vast majority of the city's buildable lands, including almost all of the land outside the city limits but inside the UGB, have none of these attributes. The Woods property, however, has all of them.

The proposed annexation and rezoning are consistent with this goal.

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

The proposed annexation and rezoning will have little direct effect on the tourist economy. Indirect effects may be felt through the removal of the blighted clearcut area and its replacement with attractive, well-planned development that includes recreational opportunities. This will be especially beneficial to Roads End by providing a more pleasing entrance to the area and its tourist-oriented resources such as the state park and the nearby trail network. When built out the property also will benefit the tourist economy through providing additional housing opportunities for those employed at nearby tourist facilities such as the casino, restaurants, and motels. The construction phase also will provide a substantial number of jobs, providing a benefit to other sectors of the city's economy. These facts demonstrate that the proposed annexation and rezoning are consistent with the Economy 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."*

³ ORS 197.296 (6)

By themselves, annexation and rezoning have little or nothing to do with the aesthetic quality of the area. But once the Planning Commission grants development approval (not sought in the present application), the site will be transformed via appropriate conditions of approval, as mentioned above, into an attractive, well-planned asset to the community. Gone will be the scotch broom, pampas grass, and other invasive plants that dominate the site now. This will happen only if the annexation and rezoning are approved, so they are consistent with this goal.

9. Transportation Goal: *"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."*

The 2014 annexation, rezoning, and PUD master plan approval application included a traffic impact study that showed only a minor effect from the proposed rezoning from the existing county R-1-A zone to the city's R-1-5 zone. The analysis showed that in a reasonable worst case development under the city zone would result in 11 additional PM peak hour trips compared to development under the existing county zone. The total trip generation was estimated to be about 778 trips per day. The analysis determined that the traffic resulting from the proposed zone change will not significantly affect the transportation system.

The Woods property has about 500 feet of frontage on Logan Road. LCMC 17.52.230, *Public Infrastructure Improvement Requirements*, requires the installation of curbs, gutters, and sidewalks along abutting streets when properties are developed. This means that the pedestrian transportation network will be improved in both extent and safety through putting in a stretch of sidewalk where none are found today. Additionally, it will be possible to improve the bicycle transportation system's extent and safety through extending the existing bicycle lane, which ends opposite NE 51st Street, 500 feet to the north. Finally, however the property ends up being developed, there will be a network of internal transportation facilities including streets and walkways that will add to the city's transportation infrastructure. The annexation and rezoning are consistent with the transportation goal.

10. Energy Goal: *"To conserve energy."*

The energy goal speaks to using development techniques such as cluster development to reduce the energy costs of site preparation and development. The combination of the municipal code's requirement that sites of this size be developed under the city's planned unit development regime together with the topography of the site means that the only practical way to develop the property will be as a cluster development.

The energy goal also encourages development that is within walking distance of services and shopping areas. As was described above under the housing goal, the property is within walking distance of employment sites such as the casino, services such as the health department, DMV, and employment office, and two shopping centers. So while annexation and rezoning, by

themselves, will have no immediate effect on energy conservation, development of the site will conform to this goal.

11. Overall Environmental Goal: *"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."*

Unfortunately, a previous owner clear-cut the site and destroyed the mature second growth trees that covered it. Much of the site's existing habitat value was lost as well. There has been some regeneration of vegetation on the site, with alder and invasive species such as scotch broom, pampas grass, and blackberries predominating. The city-wide natural resource inventories and significance determinations the city developed for wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas show that prior to the clear-cutting the property contained no sites or resources designated as "significant" under the city's Natural Resource Overlay Zone. The same is true today. There is an area of mapped wetland in the bottom of the drainage swales on the property, but the city did not designate it as "significant." Thus the city determined there are no unusually valuable resources on the site that warranted restrictions on development that differ from those imposed on all property in the city. At the time of development, there will be a balance between housing and natural areas through retention of the steep drainage area, including any wetland within it, in a natural state. The proposed annexation and rezoning are consistent with this goal.

12. Shoreland, Beaches, Dunes, Estuary and Ocean Resource Goal: *"To conserve, to protect, to enhance the coastal resources of the city."*

Because the city's coastal shoreland planning area extends westward from Highway 101, the Woods property is within the coastal planning area. Nevertheless, there is only minimal applicability of this goal. The goal requires protection of significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas. But there are no significant wetlands, riparian areas, major marshes, fish or wildlife habitats, or aesthetic or scenic areas mapped on the property. This goal also prohibits residential development and commercial and industrial buildings on beaches, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and deflation planes that are subject to ocean flooding. This policy does not apply because these coastal resources are not found on the subject property.

B. Statewide Planning Goals

In addition to the goals of the city's Comprehensive Plan, the annexation and rezoning must be consistent with Oregon's Statewide Planning Goals. In large measure these parallel the city's goals, and the proposed annexation and rezoning are consistent with the Statewide goals for the same reasons they are consistent with the city's goals as described above.

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."*

The City has developed a Citizen Involvement Program that the state has approved. The present application for annexation and rezoning will be available for public review and examination at the Planning Department and online at the city's website. There will be two public hearings that will be preceded by notice to the public in general and specifically to surrounding property owners. Both the city's planning commission and city council will hold public hearings on this application and the hearings, which will be televised and live-streamed, will include opportunities for written and oral public comments. This process makes this application 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 has adopted a land use planning process and policy framework in the form of the comprehensive plan and the zoning ordinance. These provide the basis for all decisions and actions related to the use of land and ensure an adequate factual base for such decisions and actions. The City Council adopted them after public hearings, and from time to time has revised them as circumstances have changed. The revisions also followed public hearings. The city's Comprehensive Plan has been acknowledged as being consistent with the Statewide Planning Goals. Citizens and affected governmental units had opportunity for review and input during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3. Agricultural Lands: *"To preserve and maintain agricultural lands."*

The Woods property carries the Lincoln County zone of R-1-A, which is a residential zone, not an agricultural zone. It has had this zone for many years. The proposed annexation and rezoning do not affect agricultural lands. Accordingly, this goal is not applicable to this application.

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 Woods property carries the Lincoln County zone of R-1-A, which is a residential zone, not a forest zone. It has had this zone for many years. The proposed annexation and rezoning do not affect forest lands. Accordingly, this goal is not applicable to this application.

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 Woods property is located well within the city's Urban Growth Boundary. The property does not contain any areas designated as a Goal 5 resource. The wetland on the property is not significant. The proposed annexation and rezoning are consistent with this goal.

Goal 6. Air, Water and Land Resource Quality. *"To maintain and improve the quality of the air, water, and land resources of the state."*

The city is not in an air quality non-attainment area, nor is it in an air quality maintenance area. There is no danger that it will be in any such area in the foreseeable future. Development pursuant to the city's zoning ordinance of this site would not affect these resources. The city maintains water quality through its wastewater treatment facility, which operates pursuant to a National Pollutant Discharge Elimination System permit, and is within the federal standards for water quality. The Roads End pump station and the city's wastewater treatment facility can handle wastewater from this development. The ravine that runs through the property will provide needed storm water retention and treatment. The proposed annexation and rezoning is consistent with this goal.

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

The Woods property is not in the tsunami evacuation zone, the coastal erosion zone, or the 100-year floodplain. In fact there are no mapped natural hazards associated with the site other than a small area of slopes over 25% that can easily be avoided when the property is developed. Since there are no real hazards on the property development there will be consistent with this goal.

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 Woods property is located in the midst of extensive recreational facilities. The city's seven-mile-long beach lies within easy walking distance, as does the Roads End State Park. The property also has easy access to the Villages at Cascade Head and the trail network that reaches the knoll and the thumb. The Chinook Winds Casino, with its entertainment and gaming

facilities, is located a short walk from the property. When developed, the property will have open space areas that can be used for recreation as well. The proposed annexation and rezoning is consistent with this goal.

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."*

When built out the property also will benefit the tourist economy through providing additional housing opportunities for those employed at nearby tourist facilities such as the casino, restaurants, and motels. The construction phase also will provide a substantial number of jobs, providing a benefit to other sectors of the city's economy. These facts demonstrate that the proposed annexation and rezoning are consistent with the Economic Development Goal.

Goal 10. Housing: *"To provide for the housing needs of citizens of the state."*

The proposed annexation and rezoning are consistent with the housing goal in that they would provide land ready to be developed for housing. As described under the comprehensive plan housing goal, above, past concerns about a glutted housing market have been overtaken by time and events. That discussion is incorporated here by reference. This site is ideal for housing in that it is close to employment, services, transportation, recreation, and a future school site.

The proposed annexation and rezoning conform to the housing goal. Turning to the specific considerations called out on the city's annexation petition form:

CONSIDERATION 1: *The need for orderly, economic provision for public facilities and services. As noted above, the Woods property is surrounded by developed property with full urban services. Water and sewer services are available immediately adjacent to the site and providing these services to the property will require no extensions of mains. Water and sewer capacities in the adjoining lines are adequate to serve the Woods property, and in fact were sized specifically to serve the Woods property and other undeveloped property in the vicinity. No expansion of public facilities or services is needed for this property.*

CONSIDERATION 2: *The need for availability of sufficient land within the City for the various uses, to insure choices in the market place. The Woods property, because of the ready availability of urban services, can be developed at a cost that is significantly less than other properties, both within the city limits and within the UGB. This will help to allow the property to be developed in a way that encourages more affordable options for housing. Since its size requires it to be developed as a planned unit development there will be even further possibilities for a variety of housing choices. Because the Woods property is an island of county land completely surrounded by land within the city, and because of its proximity to shopping, employment, recreation, and transportation, it will help to reduce sprawl into other areas of the UGB while adding to the housing options within the city.*

CONSIDERATION 3: The acknowledged comprehensive plan. As shown above in Part A of this narrative, the proposed annexation and rezoning is consistent with the city's acknowledged comprehensive plan. Part A is incorporated here by reference.

CONSIDERATION 4: The need for encouragement of development within the current City boundaries before annexation of additional land. Annexing the Woods property, since it is an island of county land completely surrounded by land within the city, will encourage development of land that, as described above, has full urban services immediately available, is close to employment, shopping, recreation, and transportation, and because of these attributes, is more suitable for development than much of the undeveloped land already inside the city limits. In essence, annexation of the Woods property, because it is an island of county land completely surrounded by land within the city, is unlike annexation of land that merely abuts the city limits. In fact, most people probably believe the Woods property already is subject to city jurisdiction.

Goal 11. Public Facilities and Service: *"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."*

A gravity sewer line runs along the north property line of the Woods property, and another runs in the Logan Road right-of-way on the west side of the property. A 4.25 million gallon water tank is on the city-owned property immediately to the north, where there also is a water pump station. A water main runs just to the north of the sewer line that is on the property line. Water mains also run in the Logan Road right-of-way. According to the city engineer, both the water and sewer lines have the capacity to serve development of the Woods property. The Roads End South sewer pump station serves the area of the Woods property, and the city recently upgraded it by installing two new pumps, upgrading the electrical controls, replacing the generator, and bringing the pump station building up to current code standards. According to the city's website, "The Roads End South Pump Station Upgrade Project was implemented to serve the existing service area and to handle additional flows from future development."³ The development that would follow the proposed annexation and rezoning, subject to planning Commission approval of any subdivision or planned unit development plan, is exactly what this pump station upgrade was designed to accommodate.

Regarding stormwater, there is a natural drainage way that will serve adequately for stormwater control. At the present time that drainage way also is used by the city for drainage from the 4.25 million gallon water tank on property adjacent to the Woods property. The city does not have an easement for this use of the Woods property, but the Woods are willing to

³ <https://www.lincolncity.org/roadsendsouthpumpstation>

provide such an easement. This will contribute to the orderly development of stormwater management facilities in Lincoln City. The proposed annexation and rezoning is consistent with this goal.

Goal 12. Transportation : *"To provide and encourage a safe, convenient and economic transportation system."*

Annexation and rezoning, by themselves, will not affect transportation. But once these are accomplished, the property will be able to be developed with residences, and they will have some level of impact on the city's transportation system. As described above under the Comprehensive Plan Transportation Goal, A 2014 traffic impact analysis showed that in a reasonable worst case development under the city zone would result in 11 additional PM peak hour trips compared to development under the existing county zone. The total trip generation was estimated to be about 778 trips per day. The analysis determined that the traffic resulting from the proposed zone change will not significantly affect the transportation system.

The Woods property has about 500 feet of frontage on Logan Road. LCMC 17.52.230, *Public Infrastructure Improvement Requirements*, requires the installation of curbs, gutters, and sidewalks along abutting streets when properties are developed. This means that the pedestrian transportation network will be improved in both extent and safety through putting in a stretch of sidewalk where none are found today. Additionally, it will be possible to improve the bicycle transportation system's extent and safety through extending the existing bicycle lane, which ends opposite NE 51st Street, 500 feet to the north. Finally, however the property ends up being developed, there will be a network of internal transportation facilities including streets and walkways that will add to the city's transportation infrastructure. The annexation and rezoning are consistent with the transportation goal.

Goal 13 Energy Conservation: *"To conserve energy."*

The property is adjacent to existing utilities and city streets. After development, the annexation and rezoning would result in housing opportunities within walking distance of numerous employers, including the Casino, and within walking distance of grocery stores, drug stores, other retail, recreation, public transportation, and community services. Development would be required to provide sidewalks and bike paths that would encourage non-motorized transportation. All of this would result in substantial energy conservation compared to development elsewhere in the urban growth boundary. The annexation and rezoning, therefore, would be consistent with the energy goal.

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 Woods property is an island of property surrounded by urbanized land within the city limits. The present situation is the opposite of orderly and efficient land use. County islands within the city limits result in a need to extend public services such as water, sewer, and police over a larger area that would be needed if development were accommodated in an orderly arrangement. Annexing and rezoning the Woods property will correct the disorder and inefficiencies that exist today. The proposed zoning is consistent with the surrounding uses and zoning. The annexation and rezoning proposal meet this goal.

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 State of Oregon established the boundaries of the Willamette River Greenway in the 1980's, and the Woods property is not within the Greenway. Accordingly, Goal 15 does not apply to this application.

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 Woods property is not within or adjacent to any estuarine areas. This goal is not applicable to the proposed annexation and rezoning.

Goal 17. Coastal Shoreland: *"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."*

Because the city's coastal shoreland planning area extends westward from Highway 101, the Woods property is within the coastal planning area. Nevertheless, there is only minimal applicability of this goal. The goal requires protection of significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas. But there are no significant wetlands, riparian areas, major marshes, fish or wildlife habitats, or aesthetic or scenic areas mapped on the property. This goal also prohibits residential development and commercial and industrial buildings on beaches, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-

topping, and deflation planes that are subject to ocean flooding. This policy does not apply because these coastal resources are not found on the subject property.

Goal 18. Beaches & Dunes: *"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas."*

This goal requires local governments to inventory beaches and dunes in order to provide information necessary for identifying and designating beach and dune uses and policies for the governments' comprehensive plans. Lincoln City relies on the inventory material contained in two studies: The inventory material is from Beaches and Dunes of the Oregon Coast (O.L.C. & D.L., 1975) and Environmental Hazard Inventory, Coastal Lincoln County (RNKR Associates, 1977). The Woods property is not in a designated beach or active dune area. Accordingly, Goal 18 does not apply to this application.

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."*

This goal relates to actions by local, state, and federal agencies that are likely to affect the ocean resources and uses of Oregon's territorial sea. The Woods property does not front on the ocean, nor is there a direct connection from it to the ocean for things like runoff. Development of the Woods property is not likely to affect marine resources and ecological functions and accordingly Goal 19 does not apply to this application.

C. Transportation Planning Rule

OAR 660-012-0060(1): *"If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule."*

The Transportation Planning Rule requires the city to determine whether a proposed land use amendment would "significantly affect an existing or planned transportation facility" and if so to mitigate that effect through certain prescribed measures. In the present case the issue is whether the proposed map amendment would "significantly affect" Logan Road or Highway 101. If not, then analysis under the transportation planning rule is completed and no mitigation

is necessary. The initial analysis under the transportation planning rule is a comparison of reasonable worst case scenarios under the existing and proposed zones. For the 2014 annexation and rezoning application, the applicant commissioned a traffic impact analysis that compared the number of trips generated by a reasonable worst case scenario for each map designation, County R-1-A and City R-1-5. The traffic impact analysis showed that under a reasonable worst case analysis the City R-1-5 zoning would result in 11 additional PM peak hour trips compared to the trips generated under the County R-1-A zoning. The traffic impact analysis showed, based on 2013 traffic counts on Logan Road and Highway 101 that the addition of these weekday peak hour trips will increase travel on Logan Road at Highway 101 by 0.9%, and through the Highway 101 intersection with Logan Road by 0.4%. Based on these findings, the additional 11 peak hour trips generated by the zone change will not significantly affect the transportation system and, therefore no further traffic impact analysis is needed and no further inquiry under the transportation planning rule is required.

Prepared and Submitted by:

Richard Townsend
Townsend Planning & Design LLC
1936 NE 63rd Street
Lincoln City, OR 97367
townsendplanning@gmail.com
521-921-0474

255 SW Coast Highway, Suite 100
Newport, OR 97365
Phone: (541)265-2288 / Fax: (541)265-9570

Western

Woods One, LLC, an Oregon limited liability company
24850 SW Melott Road
Portland, OR 97213

Date: July 10, 2019
Order No.: WT0173342-AK
Property: 5000 Blk NE Logan Road
Lincoln City, OR 97387

Woods One, LLC, an Oregon limited liability company

Thank you for choosing Western Title & Escrow Company to provide your title insurance. Attached, please find the following:

Owners Policy

Thank you for allowing us the opportunity to provide for your title and escrow needs. Please let us know if there is anything more we can do.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Anya Kirkes
Title Examiner
anna.kirkes@westerntitle.com

OWNER'S POLICY OF TITLE INSURANCE

Issued By:



Fidelity National Title
Insurance Company

Policy Number:

WT0173342

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

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AMERICAN LAND TITLE ASSOCIATION



- 6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
- 7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
- 8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
- 9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
- 10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Issuing Office or Agent:
Western Title & Escrow Company
 255 SW Coast Highway, Suite 100
 Newport, OR 97365
 (541)265-2288 FAX (541)265-9570

Fidelity National Title Insurance Company



By: *[Signature]*
 President

Attest: *[Signature]*
 Secretary

Countersigned By:
[Signature]
 Authorized Officer or Agent

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EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

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FIDELITY NATIONAL TITLE INSURANCE COMPANY

POLICY NO. WT0173342

Customer Reference: 45141309431

SCHEDULE A

Name and Address of Title Insurance Company: Fidelity National Title Insurance Company
 c/o Anya Kirkes
 Western Title & Escrow Company
 255 SW Coast Highway, Suite 100
 Newport, OR 97365

Address Reference: 5000 Blk NE Logan Road, Lincoln City, OR 97367

Date of Policy	Amount of Insurance	Premium
June 28, 2019 at 09:19 AM	\$245,000.00	\$813.00

1. Name of Insured:

Woods One, LLC, an Oregon limited liability company

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Woods One, LLC, an Oregon limited liability company

4. The Land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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SCHEDULE B EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Regulations, levies, liens, assessments, rights of way and easements of Devils Lake Water Improvement District.
7. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
8. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in document,

Recording Date: June 15, 1979
Recording No.: Book 101, Page 1521
(Affects Parcel II)

9. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in document,

Recording Date: June 15, 1979
Recording No.: Book 101, Page 1522
(Affects Parcel I)

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EXHIBIT "A" LEGAL DESCRIPTION

Parcel I:

A parcel of land lying in Government Lot 26, in Section 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 31 in Section 34, Township 6 South, Range 11 West, Willamette Meridian; running thence East 1479.5 feet; thence 580 feet South to the true place of beginning; thence from said true place of beginning North 74° East 203 feet; thence South 224 feet; thence West 280.6 feet to the center of the County Road; thence North 21° 30' East 180 feet to the true place of beginning;

EXCEPTING any portion within roads, streets and highways.

Parcel II:

That part of U.S. Lot 26 in Section 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the southeast corner of said Lot 26; thence West along the South line of said Lot 642.86 feet to the Easterly line of the County Road; thence Northerly along the Easterly line of said County Road to the South line of the tract conveyed to Ernest C. Soper and wife by Deed recorded September 9, 1943 in Book 95, page 347, Deed Records; thence East along the South line of said Soper tract 250 feet, more or less, to the Southeast corner of said Soper tract; thence North along the East line of said Soper tract 223 feet to the Northeast corner thereof; thence North 73° 19' East 350 feet, more or less, to the East line of said U.S. Lot 26; thence South along the East line of said U.S. Lot 26, a distance of 875 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the following described tract of land:

Beginning at a point on the south line of U.S. Lot 26 in Section 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, that is on the Easterly right of way line of Logan Road; thence Northerly along said Easterly right of way line 60 feet; thence East and parallel to the South line of said Lot 26, 100 feet; thence Southerly parallel to said Easterly right of way line 60 feet; thence Westerly 100 feet to the point of beginning.

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CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A, for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(f), "Public Records" shall also include environmental protection laws filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as Insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as Insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

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(continued)

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in the subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) **To Pay or Tender Payment of the Amount of Insurance.**
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) **To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.**
- (i) to pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
- (ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.
- Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

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(continued)

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
- the Amount of Insurance; or
 - the difference between the value of the Title as Insured and the value of the Title subject to the risk Insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as Insured,
- the Amount of Insurance shall be increased by Ten percent (10%), and
 - the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, as Insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as Insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guarantees, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. INTENTIONALLY DELETED**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

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(continued)

17. CHOICE OF LAW; FORUM

- (a) **Choice of Law:** The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) **Choice of Forum:** Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Fidelity National Title Insurance Company
 P.O. Box 45023
 Jacksonville, FL 32232-5023
 Attn: Claims Department

END OF CONDITIONS

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SCHEDULE B
EXCEPTIONS FROM COVERAGE
(continued)

10. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Roads End Sanitary District
Recording Date: February 28, 1980
Recording No: Book 110, Page 1298
(Affects Parcel I)

11. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Roads End Sanitary District
Recording Date: April 22, 1980
Recording No: Book 112, Page 751
(Affects Parcel II)

END OF SCHEDULE B

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AMERICAN
LAND TITLE
ASSOCIATION



Order No: WT2173242

EXHIBIT "A"

Legal Description

Parcel I:

A parcel of land lying in Government Lot 26, in Section 35, Township 8 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 31 in Section 34, Township 8 South, Range 11 West, Willamette Meridian; running thence East 1479.5 feet; thence 588 feet South to the true place of beginning; thence from said true place of beginning North 74° East 392 feet; thence South 224 feet; thence West 293.6 feet to the center of the County Road; thence North 21° 30' East 189 feet to the true place of beginning;

EXCEPTING any portion within roads, streets and highways.

Parcel II:

That part of U.S. Lot 26 in Section 35, Township 8 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the southeast corner of said Lot 26; thence West along the South line of said Lot 642.68 feet to the Easterly line of the County Road; thence Northerly along the Easterly line of said County Road to the South line of the tract conveyed to Ernest C. Soper and wife by Deed recorded September 9, 1943 in Book 95, page 347, Deed Records; thence East along the South line of said Soper tract 250 feet, more or less, to the Southeast corner of said Soper tract; thence North along the East line of said Soper tract 323 feet to the Northeast corner thereof; thence North 73° 18' East 350 feet, more or less, to the East line of said U.S. Lot 26; thence South along the East line of said U.S. Lot 26, a distance of 675 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the following described tract of land:

Beginning at a point on the south line of U.S. Lot 26 in Section 35, Township 8 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, that is on the Easterly right of way line of Logan Road; thence Northerly along said Easterly right of way line 80 feet; thence East and parallel to the South line of said Lot 26, 100 feet; thence Southerly parallel to said Easterly right of way line 80 feet; thence Westerly 100 feet to the point of beginning.

Previous Page

Page: 36 of 36 of 1246
 OR FTS FPMO 02282-02073-SP2 1-15-87 01173242

EXHIBIT "B"
Exceptions

Subject to:

Regulations, rules, fees, assessments, rights of way and easements of Devils Lake Water Improvement District;

Rights of the public to any portion of the Land lying within the area commonly known as roads and highways;

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in the documents;

Recording Date: June 15, 1979
Recording No.: Book 101, Page 1521
(Affects Parcel 6)

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in document;

Recording Date: June 15, 1979
Recording No.: Book 101, Page 1522
(Affects Parcel 6)

Easement(s) and rights incidental thereto as shown a granted in a document:

Granted to: Roads End Sanitary District
Recording Date: February 28, 1980
Recording No.: Book 110, Page 1296
(Affects Parcel 6)

Easement(s) and rights incidental thereto as shown a granted in a document:

Granted to: Roads End Sanitary District
Recording Date: April 22, 1980
Recording No.: Book 112, Page 751
(Affects Parcel 6)

RECORDING REQUESTED BY:
Facility National Title
10200 SW Greenburg Rd, Suite 110
Portland, OR 97223

Lincoln County, Oregon
2019-05924
2019 APR 23 10:30 AM
COC AND
LRS 00 01 00 00 00 00 00 00 00 00 00 00
2019-05924
Dana W. Jenkins, Lincoln County Clerk

GRANTOR'S NAME:
Chris Barnes
GRANTEE'S NAME:
Woods One, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:
Order No.: 45141809-01-KW
Woods One, LLC, an Oregon limited liability company
24250 SW Mead Road
Portland, OR 97233

SEND TAX STATEMENTS TO:
Woods One, LLC, an Oregon limited liability company
24250 SW Mead Road
Portland, OR 97233

APN: 2400
2000
Map: 8-11-2000
5000 SW NE Lagan Road, Lincoln City, OR 97137

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Chris Barnes, Grantor, conveys and warrants to Woods One, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lincoln, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED FORTY-FIVE THOUSAND AND NINE HUNDREDS DOLLARS (\$245,900.00). (See ORS 83.500)

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 199.306, 199.301 AND 199.305 TO 199.328 AND SECTIONS 2 TO 11, CHAPTER 43A, OREGON LAWS 2007, SECTIONS 2 TO 8 AND 17, CHAPTER 55L, OREGON LAWS 2008, AND SECTIONS 2 TO 7, CHAPTER 6, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 215.016 OR 215.018, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LANDSIDE AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.523, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 199.306, 199.301 AND 199.305 TO 199.328 AND SECTIONS 2 TO 11, CHAPTER 43A, OREGON LAWS 2007, SECTIONS 2 TO 8 AND 17, CHAPTER 55L, OREGON LAWS 2008, AND SECTIONS 2 TO 7, CHAPTER 6, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below:

Chris Barnes

Chris Barnes

State of Oregon
County of Lincoln

This instrument was acknowledged before me on APR 21 2019 by Chris Barnes.

Notary Public - State of Oregon
My Commission Expires: 5/21/21

Dana W. Jenkins
Lincoln County Clerk
My Commission Expires 05/31/2021

Facility National Title of Oregon
45141809-01-KW
Western Title

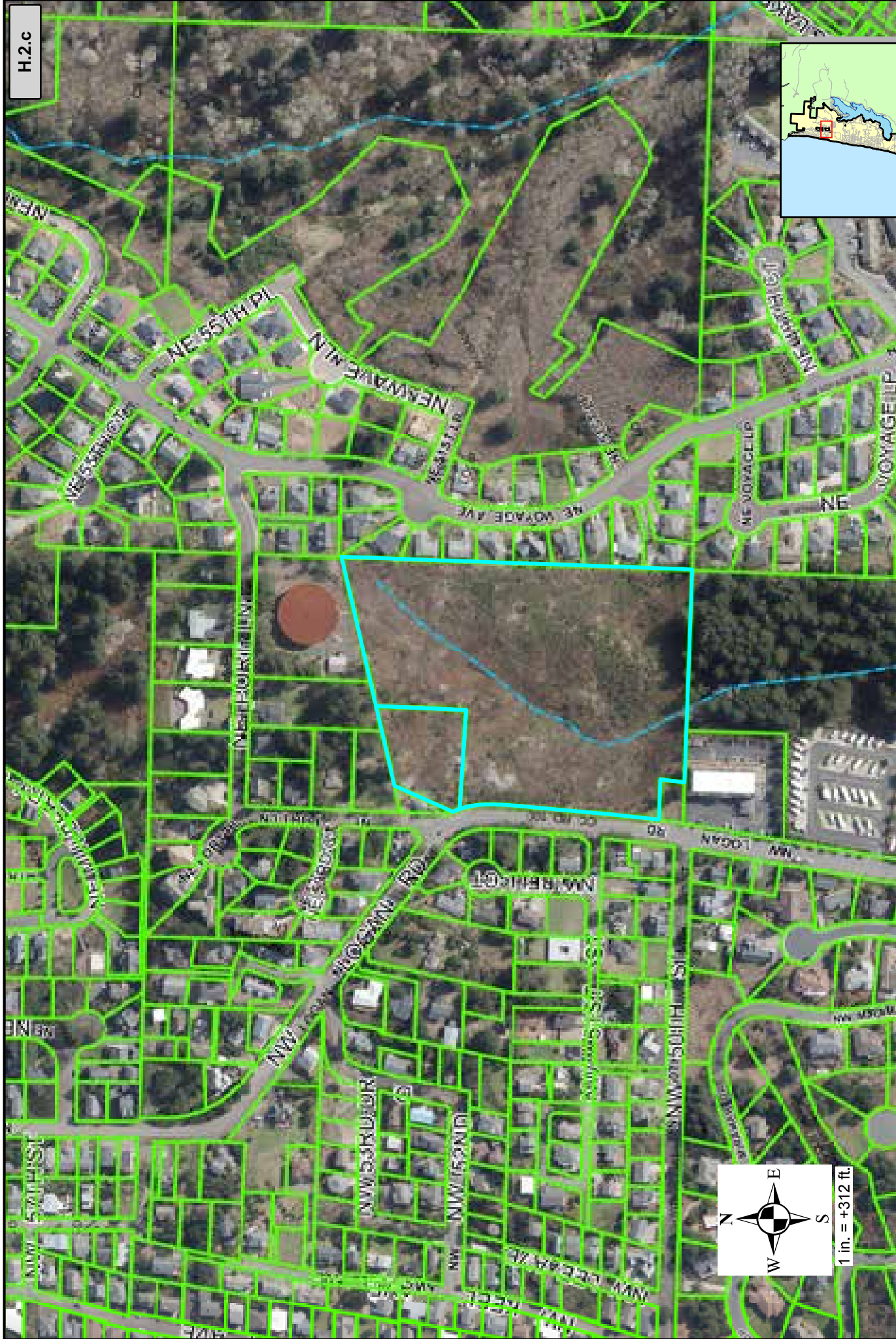
Cathy Steere

From: Richard Townsend <townsendplanning@gmail.com>
Sent: Sunday, March 22, 2020 8:39 PM
To: AnneMarie Skinner
Subject: Woods extension

Anne Marie,

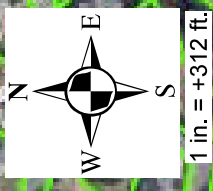
The Woods have authorized me to agree to a 60-day extension of the 120-day clock on their annexation and rezoning application.

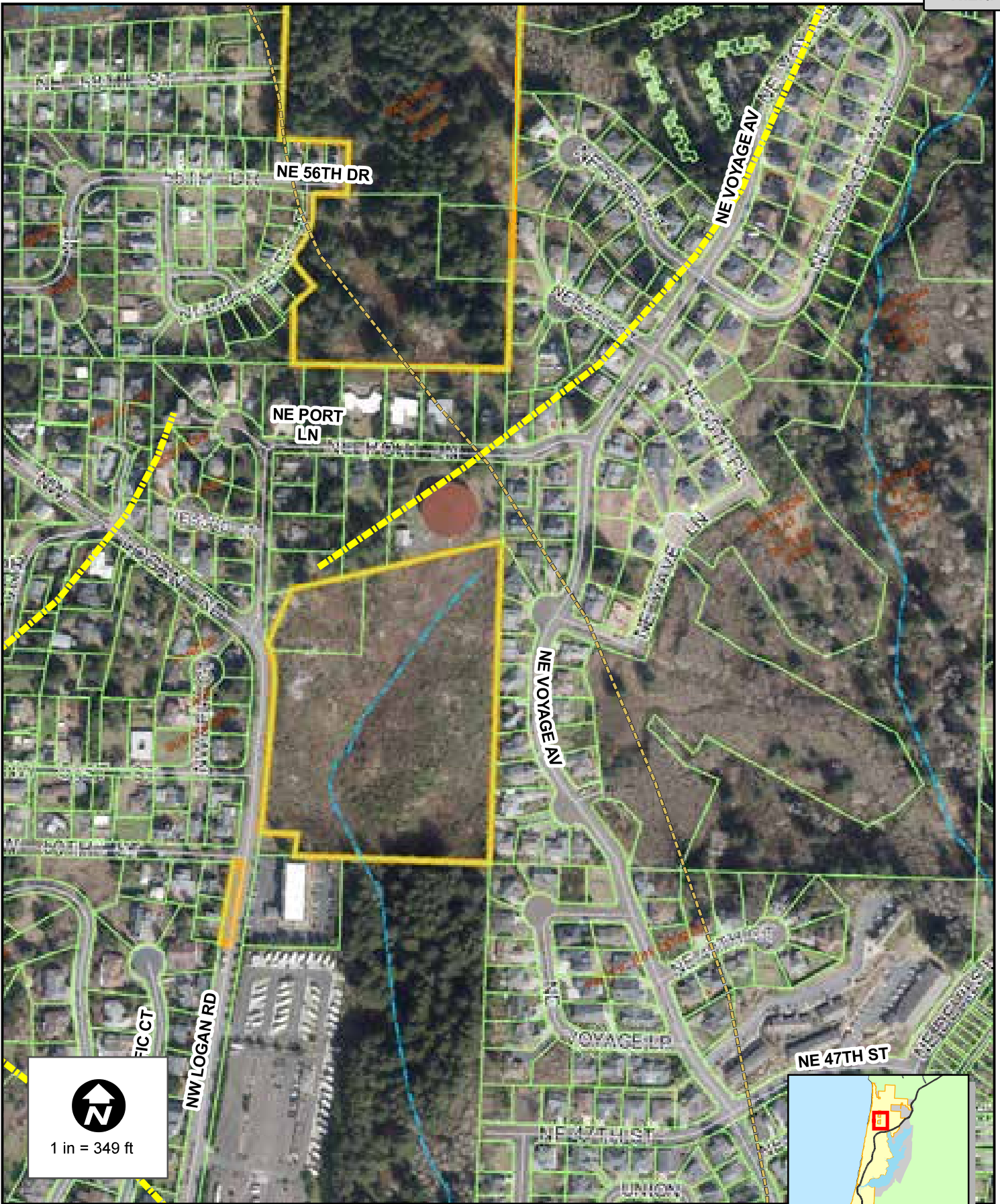
Richard Townsend
Townsend Planning & Design LLC



Aerial 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.





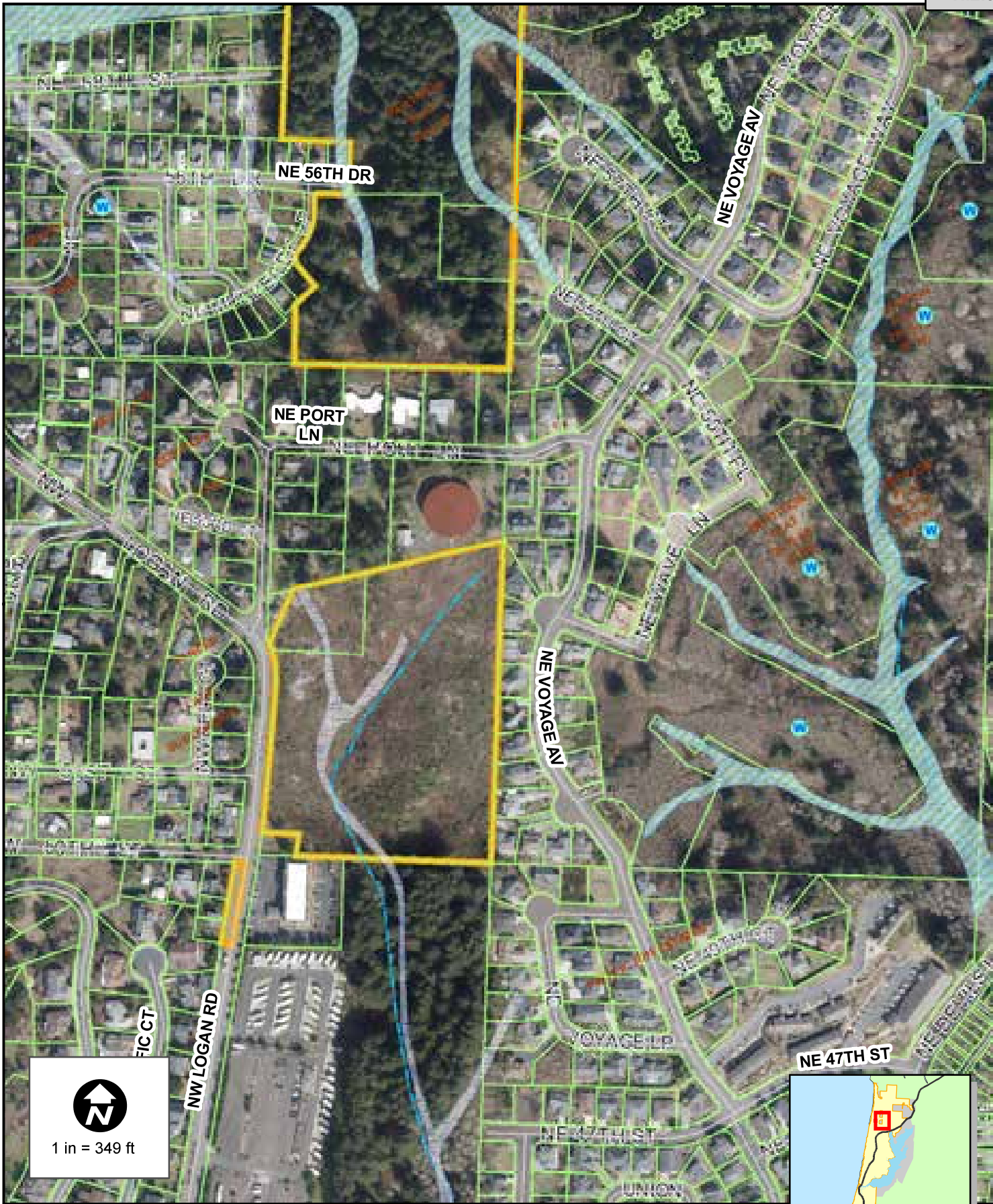
Vicinity Map

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.

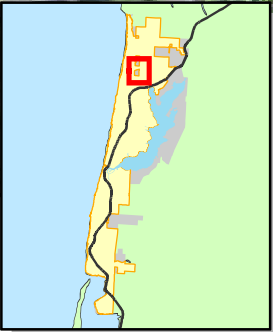
- Layers
 - Geologic
 - Geologic_Features
 - Geo_Desc
 - Marine Terrace with sporadic ferruginous
 - Near surface bedrock
 - Sand area aquifers
 - Hydrologic_Hazards
 - Hydrologic_Hazards_desc
 - Flooding (100 yr. return interval)
 - Seasonal High Ground Water
 - Streambank Erosion
 - Landslide_Areas
 - Landslide_Areas
 - Geologically Recent Slides
 - Massive Ancient Slides
 - Minor Slope Sloughing
 - Shoreline_Protection_Features
 - Shoreline_Protection_Features_desc
 - Revetments
 - Riprap
 - Other_Hazards
 - Description
 - Erosional Scarp > 3m
 - Flotsam Accumulation
 - Ocean Flooding
 - Sand Accretion

H.2.d

Packet Pg. 108

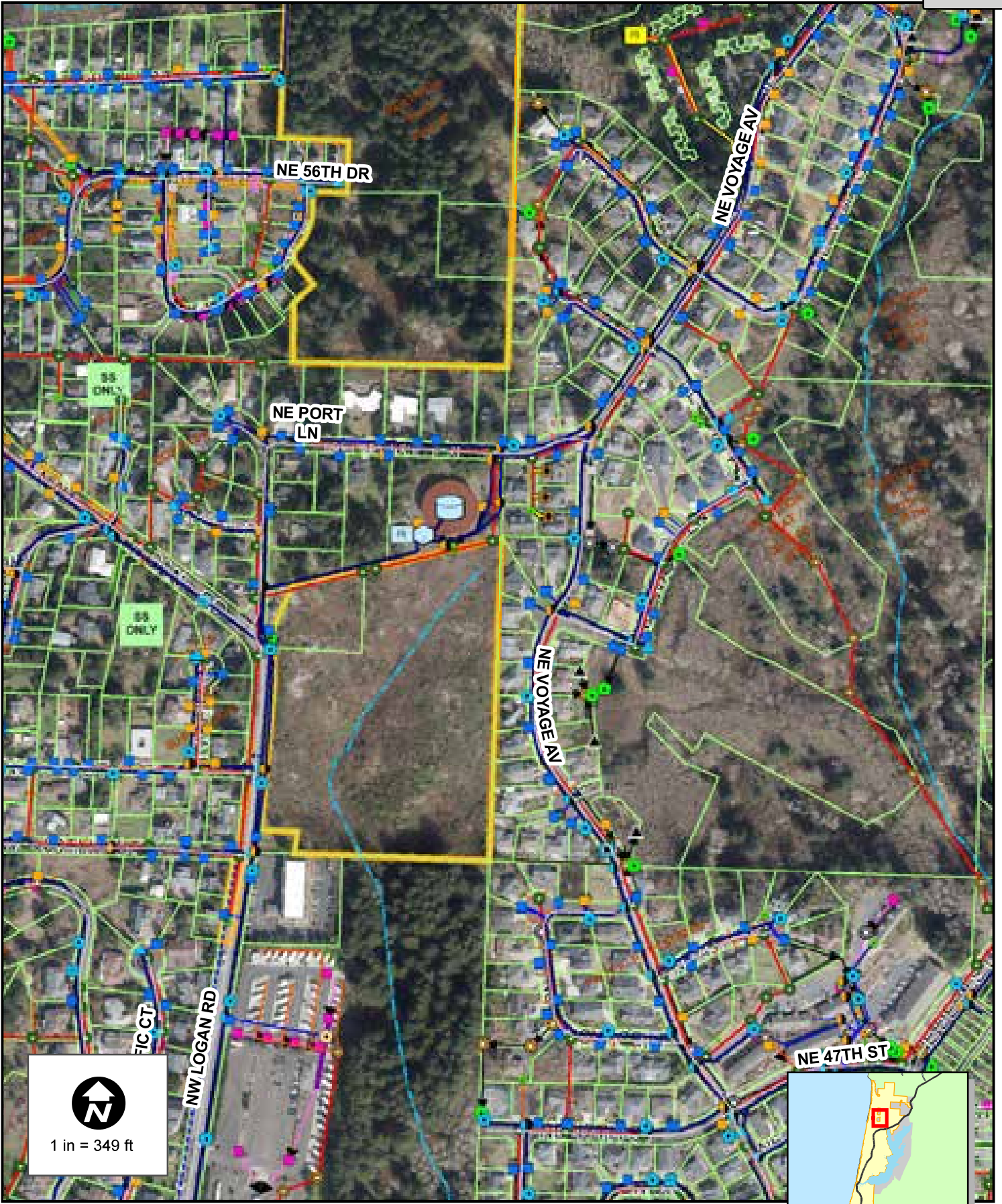



 1 in = 349 ft



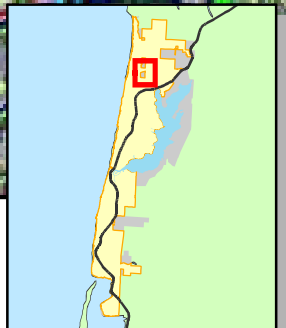
Vicinity Map

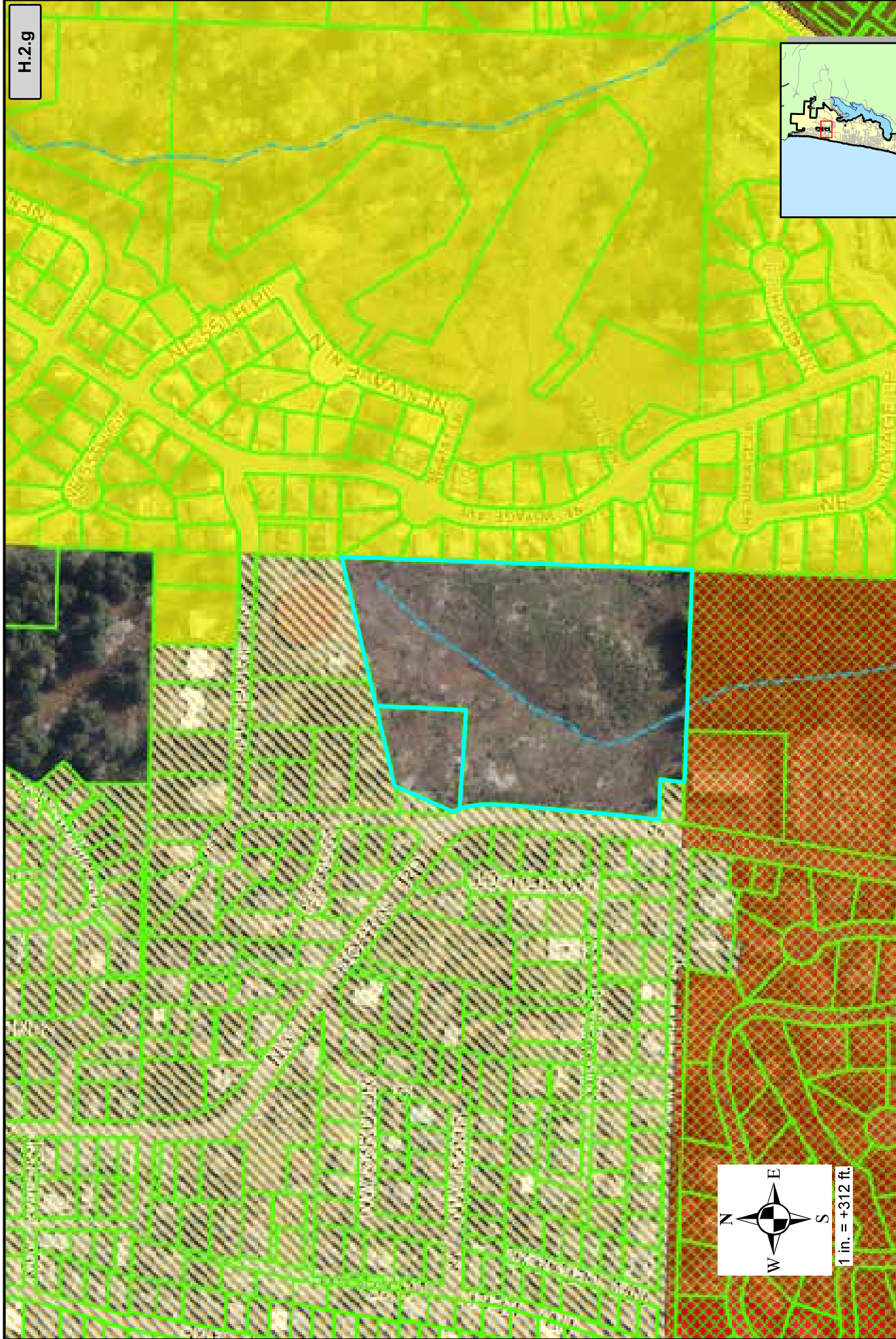
City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the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



Vicinity Map

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Zoning Map

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WRITTEN TESTIMONY

Submitted by:
 Patrick M. Dunne
 5155 NE Voyage Ave
 Lincoln City, OR 97367

February 12, 2020

My objective is to ensure the proposed annexation (ANNEX 2020-01/CPA & ZC 2020-02 Woods One Annex and Rezone) does not cancel the reforestation requirement (1971 Forest Practices Act (FPA)) resulting in an unknown further period of blighted property.

1. The Oregon Department of Forestry, Forest Practice Administrative Rules and Forest Practices Act, CHAPTER 629 Forest Practices Administration, 629-610-0040 Time Allowed for Reforestation states "The landowner shall complete planting or seeding within 24 months..."
2. In 2012 the property was clear cut.
3. In 2014 and to date no reforestation has been implemented.
4. The proposed annexation states: Goal 4, page 11, "The Woods property carries the Lincoln County zone of R-1-A, which is a residential zone, not a forest zone."
5. FPA 629-600-0050 Forest Practice Rules, 629-600-0100 Definitions states: "(25) "Forestland" means land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied."
6. In 2012 logs were harvested and removed, a commercial activity.
7. Reforestation is required and overdue. The proposed annexation states: Goal 6, page 4, "While no specific plan of development has been settled on, the Woods intend to..." I am concerned this annexation will not remedy the FPA violation, indefinitely leaving the property blighted.


 Patrick M. Dunne

WRITTEN TESTIMONY

Submitted by:
 Patrick M. Dunne
 5155 NE Voyage Ave
 Lincoln City, OR 97367
 (for June 8, 2020 City Council Meeting)

My objective is to clarify to the City Council my Planning Commission testimony of February 12, 2020 regarding an ongoing violation of the Forest Practices Act (FPA) and add my concern for invasive species. I recommend City Council require Woods One LLC add a property improvement plan prior to granting requested annexation and rezoning.

My testimony to the Planning Commission #4 quotes the proposed annexation "not a forest zone." I request the Council notice that the FPA clearly states that zoning does not matter. My testimony items #5 and #6 show that Oregon law has been violated.

This property has been blighted since the clear cut in 2012 and now contains three invasive plant species (Photographs taken April 27, 2020 from 5155 NE Voyage Ave overlooking taxlots 02400 and 02900).



1NW4_5155VoyageInvasives.jpg - 5155 NE Voyage Ave view northwest on Woods One property invasives Himalayan Blackberry (near), Scotch broom (distant left), and Himalayan Knotweed (near right).



ZSW_HolidayInnExpress.jpg - 5155 NE Voyage Ave view of dense brush on Woods One property with rear of Holiday Inn Express on Logan Road to the upper right.



3NW_LoganXPort.jpg - 5155 NE Voyage west property line approximate 6 foot tall fence on bottom of photo showing height of the brush.



6S_5155VoyageFenceLine.jpg - (Tall and dense growth) 5155 NE Voyage Ave view south.



8W2_5155VoyageInvasives.jpg - (Dense growth) 5155 NE Voyage Ave view west of Woods One property invasives Himalayan Blackberry (near) and Scotch broom (distant centered).

I have seen no presence or activity on the land since the recorded sale date of June 21, 2019, or since the February 18, 2020 Planning Commission meeting, at which I testified. Their unspecific application with no real plan presented is troubling as invasive species continue to bloom and spread. The Woods One LLC request does not offer definite remedy as I have stated in my testimony to the Planning Commission #7. Even if the city grants the annexation and rezoning requested, Woods One LLC has offered no promise of property clean up and improvement. I would like to see the Woods One LLC request include a definite plan and timeline for reforestation or clearing and terracing in preparation for infrastructure and housing lots before granting the request.


Patrick M. Dunne

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

In the Matter of Approval of an Annexation to
The City of Lincoln City of two Tax Lots near NW
Logan Rd, Lincoln County Assessor's Map
06-11-35-CC Tax Lots 2400 and 2900

)
)
)
)

**Final Recommendation
No. 2020-01**

NATURE OF THE APPLICATION

ANNEX 2020-01 would annex 11.15 acres into the City of Lincoln City and retain the site's Lincoln County zoning designation.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on February 18, 2020, including the staff report, the Planning Commission recommends that the City Council approve the proposed annexation (4-3 vote). The four commissioners (Nelson, Schlesinger, Blackerby, Brainerd) who voted in favor of the recommendation for approval based their vote upon the following factors:

1. The site is currently an island of county land completely surrounded by the City of Lincoln City, and it makes sense to annex it into the city.
2. The property, which has been clear cut, is currently an eyesore, and any development would be an improvement on its current condition.

The three commissioners (Kroen, Baker, Smith) who voted in opposition of the recommendation for approval based their vote upon the following factors:

1. There is already currently adequate land in the city zoned for single-family residential construction.
2. There is potential for as many as 80 new homes on the site, which would add to the "problems that already exist on Logan Road, which is the only exit from Roads End, and also with the Logan Road/Highway 101 intersection."
3. This annexation was rejected twice due to the lack of an acceptable development agreement. Without a development plan and a development agreement, there is no guarantee that the type of housing needed in the city will be added by annexing the additional land.

APPROVED THIS 19th DAY OF MAY, 2020.



Patti Kroen
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to the Lincoln City Comprehensive)	
Plan Map and Lincoln City Municipal Code)	
relating to CPA & ZC 2020-02, Lincoln County)	Final Recommendation
Assessor's Map 06-11-35-CC Tax Lots 2400 and 2900)	No. 2020-06

NATURE OF THE APPLICATION

CPA ZC 2019-04 would amend the Lincoln City Comprehensive Plan Map and Lincoln City Zoning Map to re-designate property at Assessor's Map 06-11-35-CC Tax Lots 2400 and 2900 from Lincoln County Single Family Residential to Lincoln City's Single-Family Residential (R-1-5) Zone.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on February 18, 2020, including the staff report, the Planning Commission recommends that the City Council deny the proposed comprehensive plan and zoning map amendments (unanimous vote). The Planning Commission recommends denial based upon the following factors:

1. Granting the requested zone change would create an island of R-1-5 zone at the intersection of the R-1-RE, R-1-7.5, and R-C zones.
2. There are concerns about the impacts to infrastructure and to already-congested traffic on Logan Rd if the site is built to the density allowed in the R-1-5 zone.

APPROVED THIS 19th DAY OF MAY, 2020.



Patti Kroen
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

Cathy Steere

From: Richard Townsend <townsendplanning@gmail.com>
Sent: Tuesday, June 2, 2020 6:12 PM
To: AnneMarie Skinner
Subject: Fwd: FW: Electronic versions of the plans sent to Mrs Woods.
Attachments: Preliminary Master Plan with roundabout.pdf; Regulating Plan 1 of 2 rev 081214.24x36.pdf; Regulating Plan 2 of 2 rev 081214.24x36.pdf; p-Preliminary Master Plan.pdf

Anne Marie,

The Woods have asked me to send these plans to you to be a part of their submission for the hearing before the City Council. At this point it is a concept plan for what they intend to do with the site. A total of 71 units are shown on the plan. They recognize that they need to apply for PUD preliminary master plan approval.



LOT

140

150

160

AVE

BLDG 6

BLDG 8

LOT 1

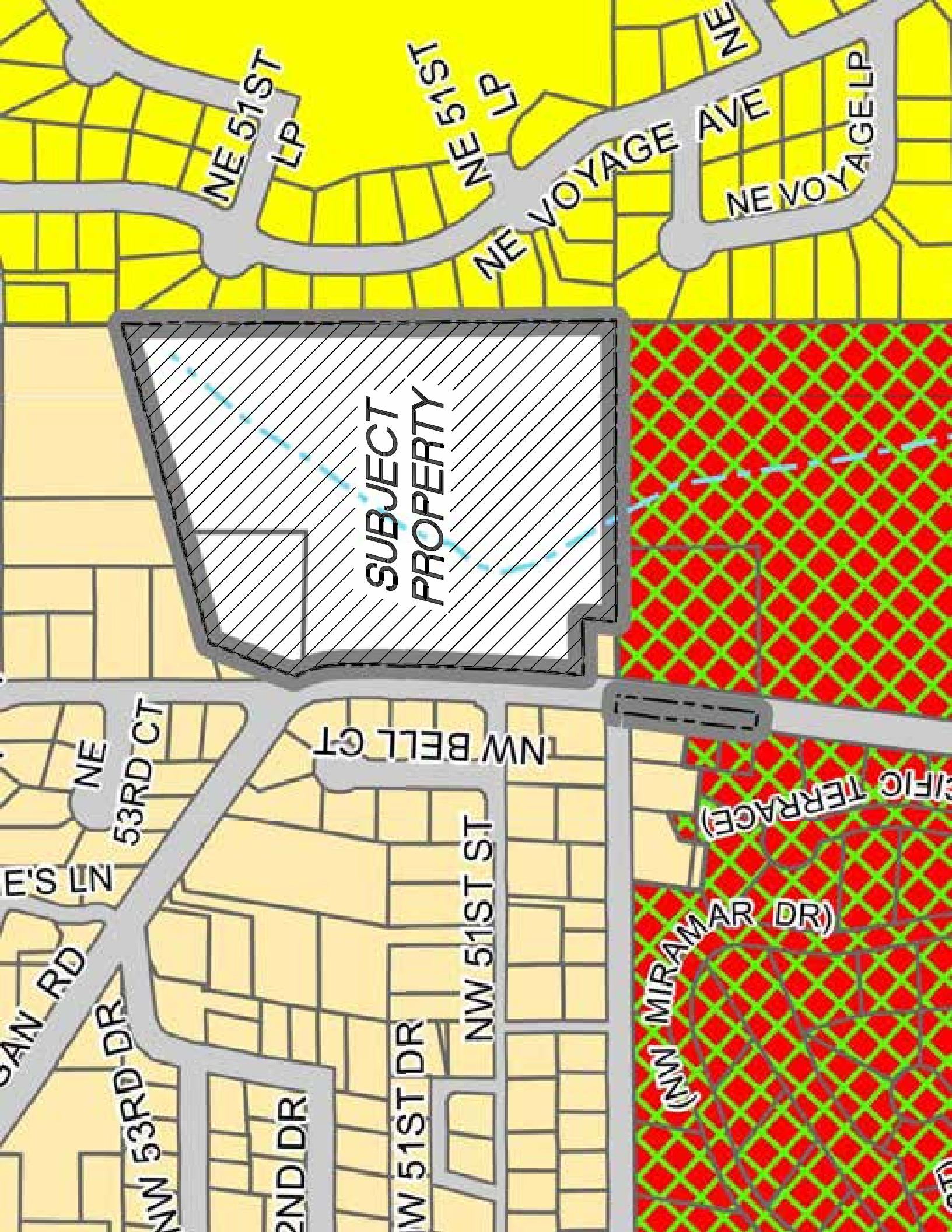
LOT 2

LOT 3

LOT 4

LOT 5

LOT 6



NE 51ST LP

NE 51ST LP

NE VOYAGE LP

NE VOYAGE AVE

NE VOYAGE LP

SUBJECT
PROPERTY

NE

53RD CT

NW BELL CT

E'S LN

GAN RD

NW 53RD DR

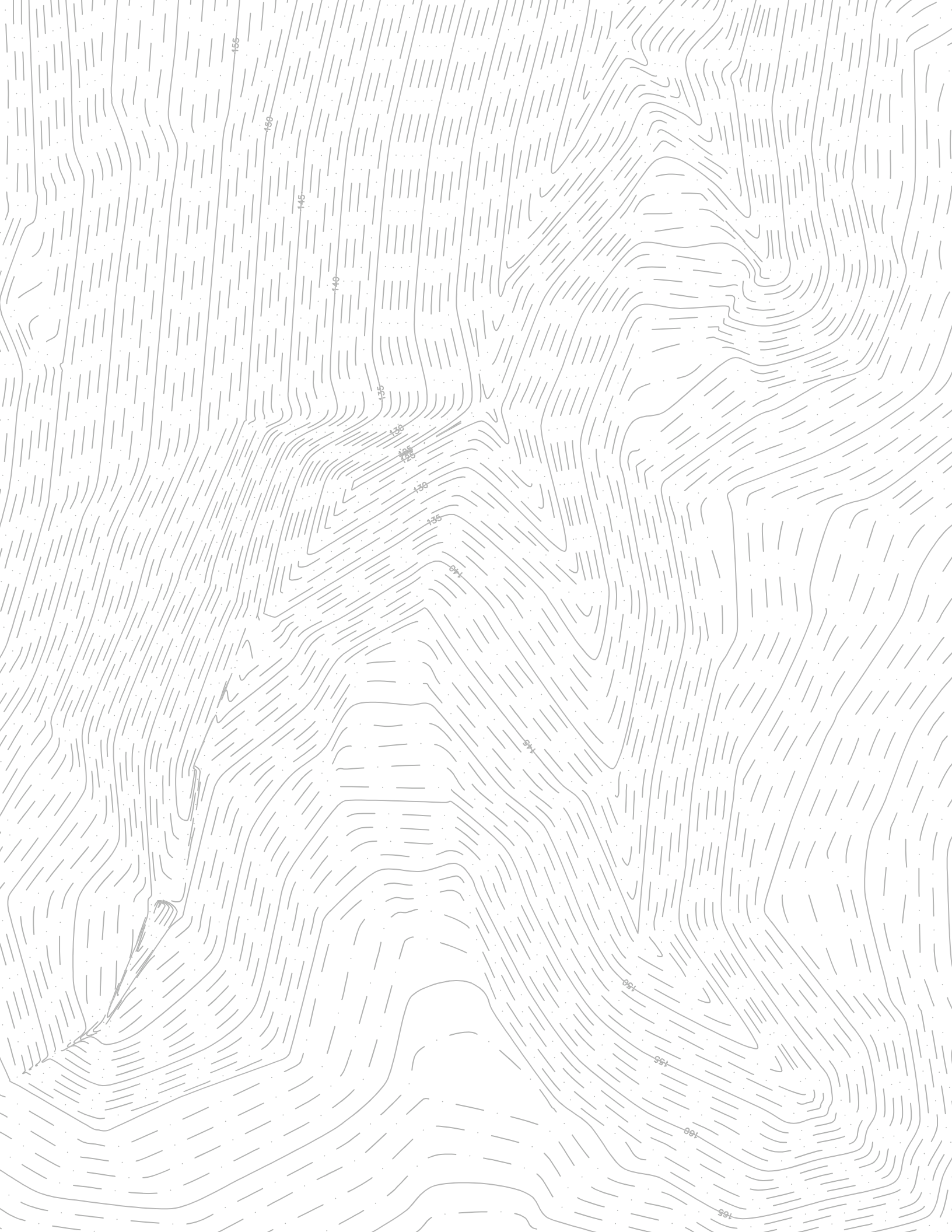
2ND DR

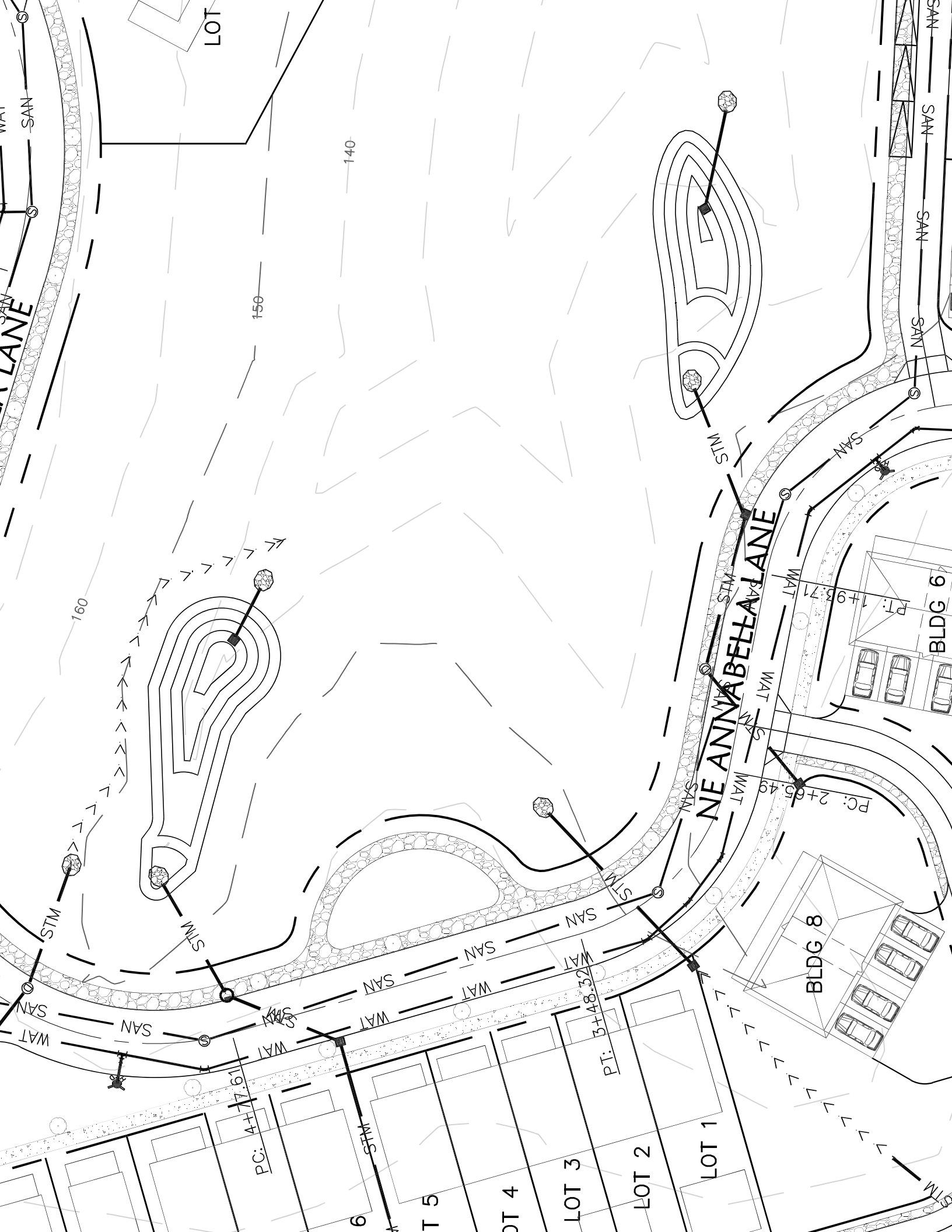
NW 51ST DR

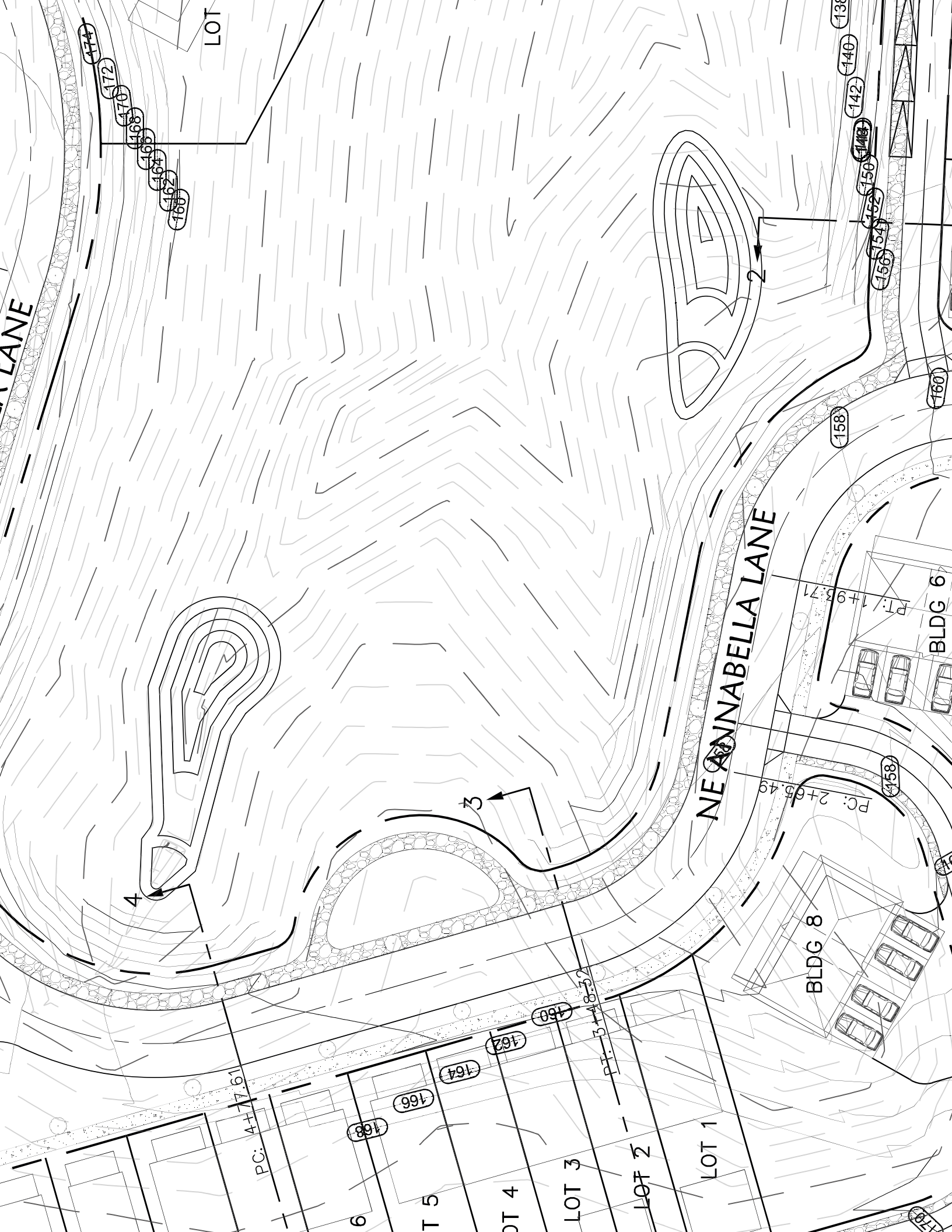
NW 51ST ST

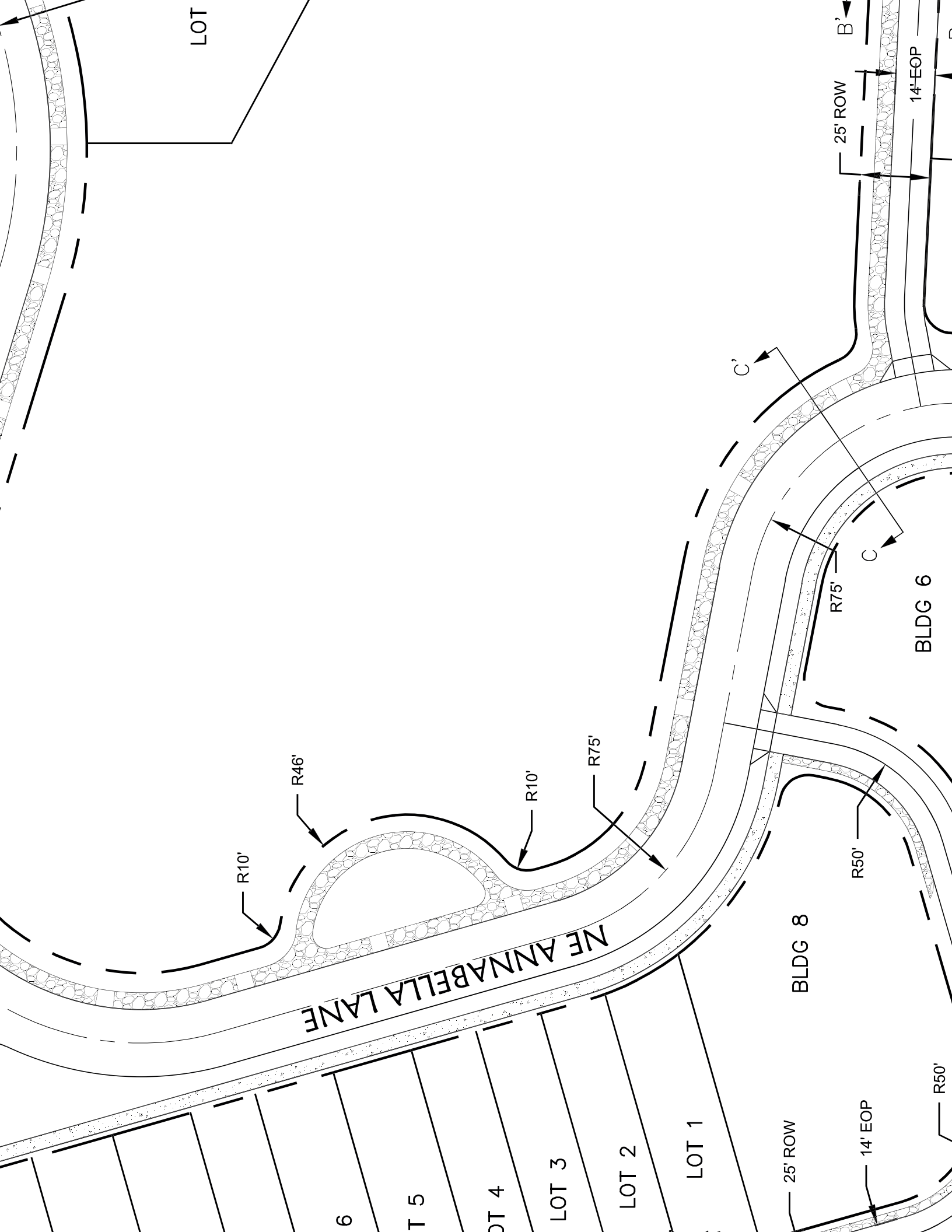
(NW MIRAMAR DR)

(NW BELL CT)

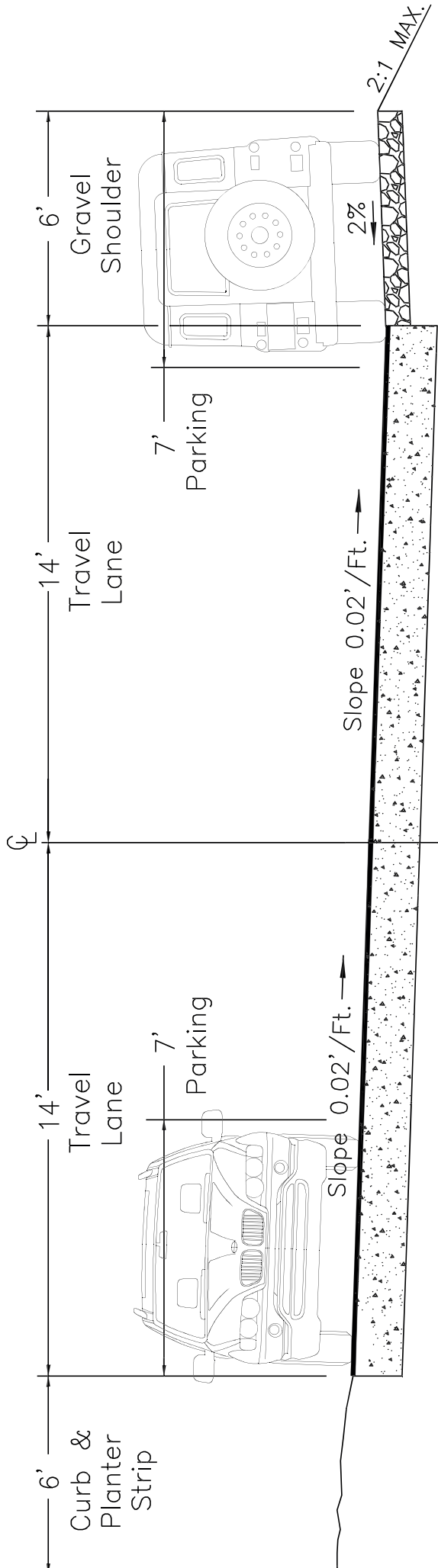






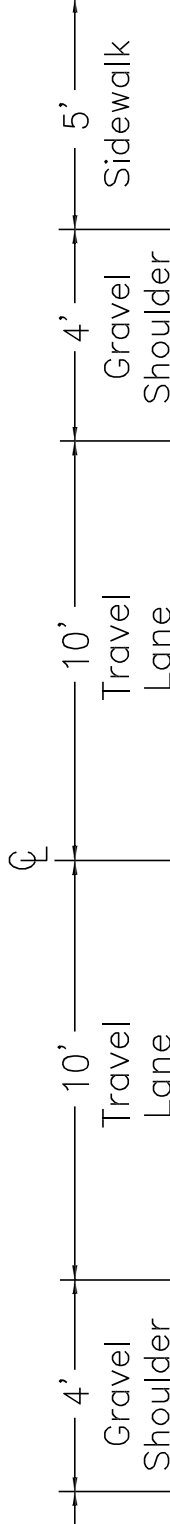


50' ROW
WIDTH

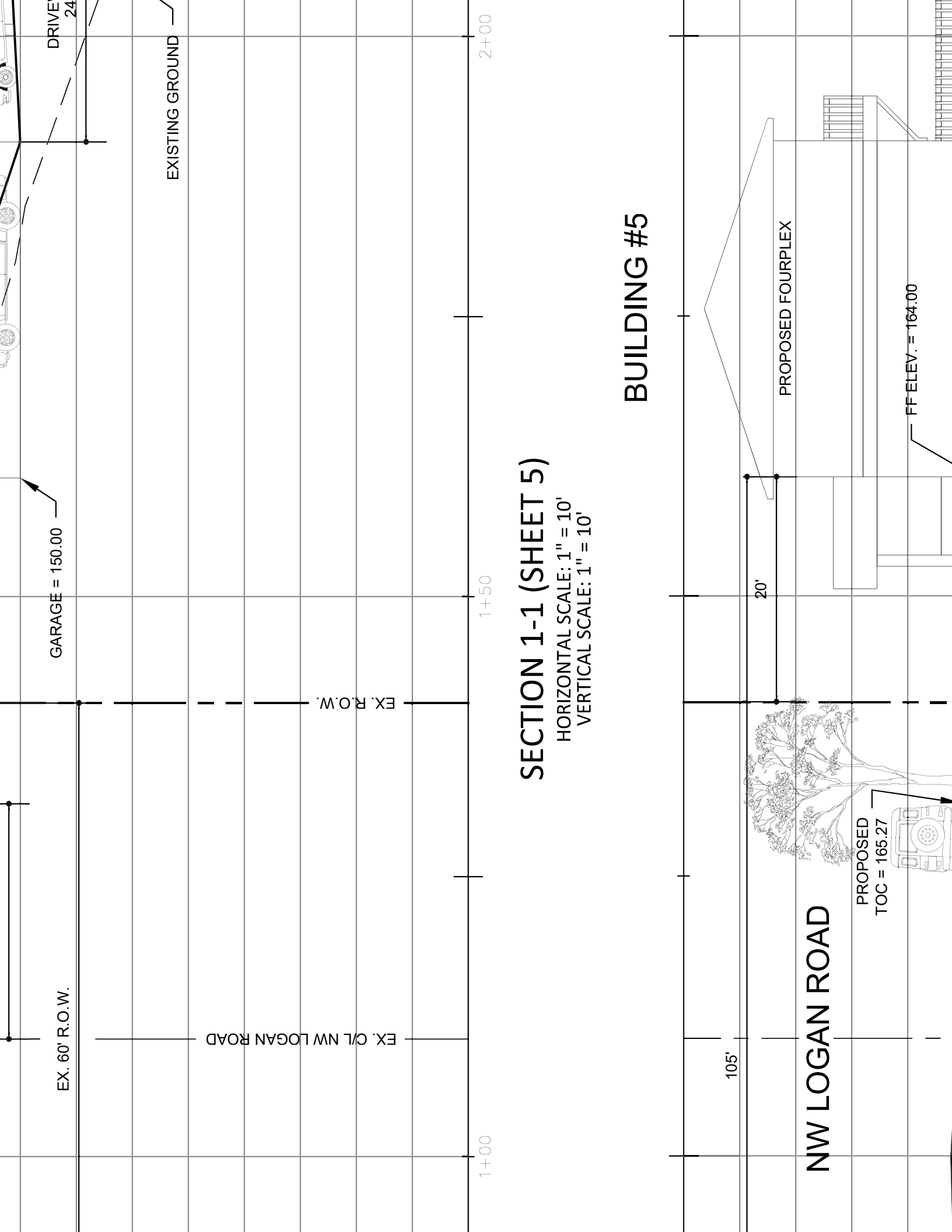


SECTION C-C' NE ANNABELLA LANE (NTS)

40' ROW
WIDTH



3' Gravel Shoulder



EX. 60' R.O.W.

EX. CL NW LOGAN ROAD

EX. R.O.W.

GARAGE = 150.00

DRIVE
24'

EXISTING GROUND

1+00

1+50

2+00

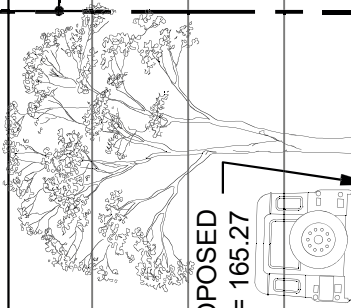
SECTION 1-1 (SHEET 5)

HORIZONTAL SCALE: 1" = 10'

VERTICAL SCALE: 1" = 10'

BUILDING #5

105'



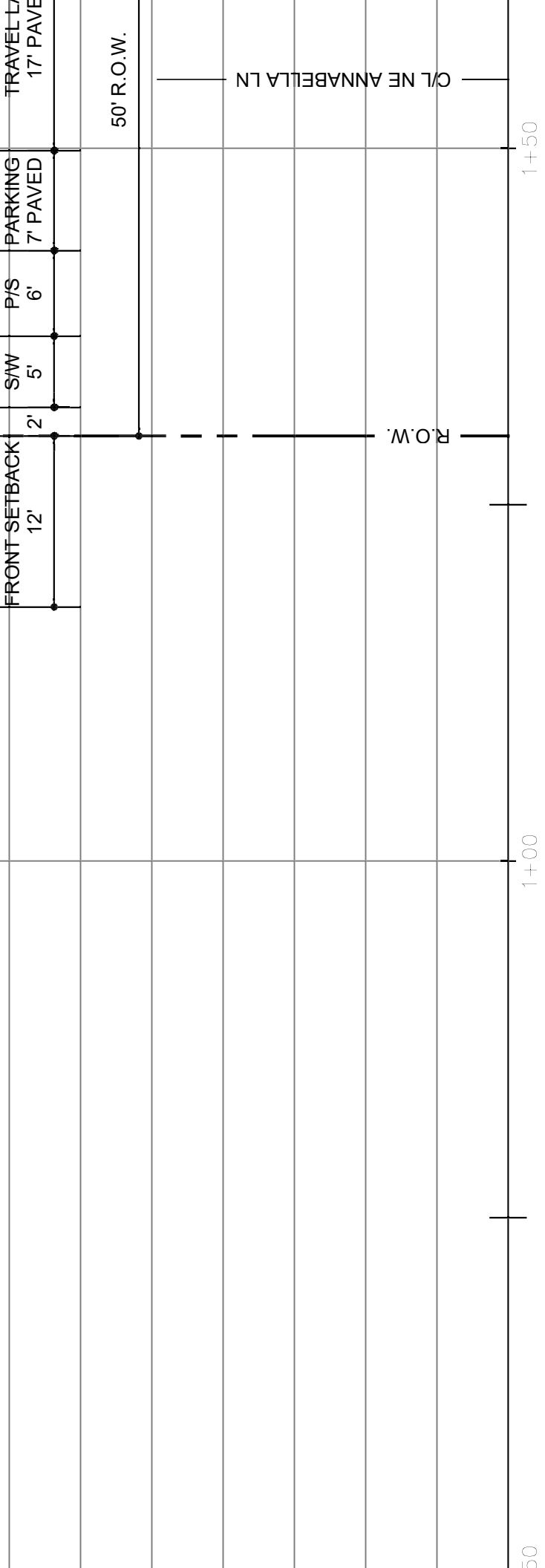
PROPOSED
TOC = 165.27

20'

PROPOSED FOURPLEX

NW LOGAN ROAD

FF ELEV. = 164.00

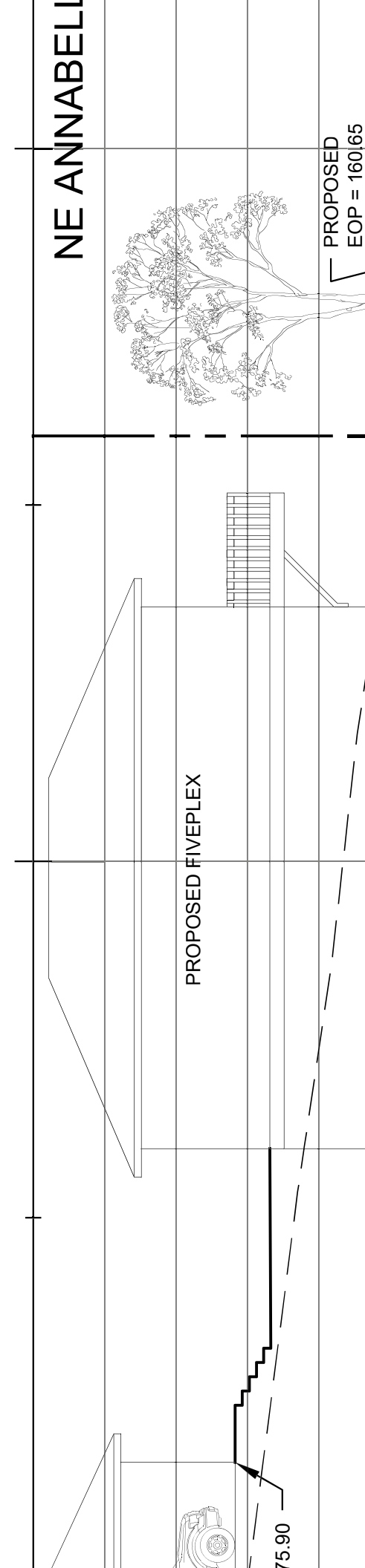


SECTION 3-3 (SHEET 5)

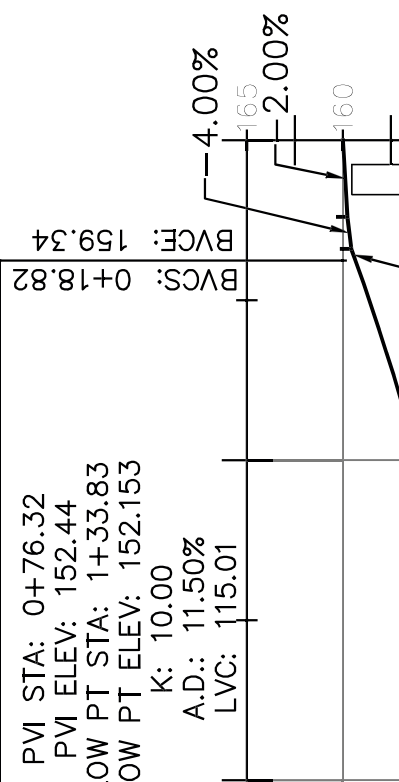
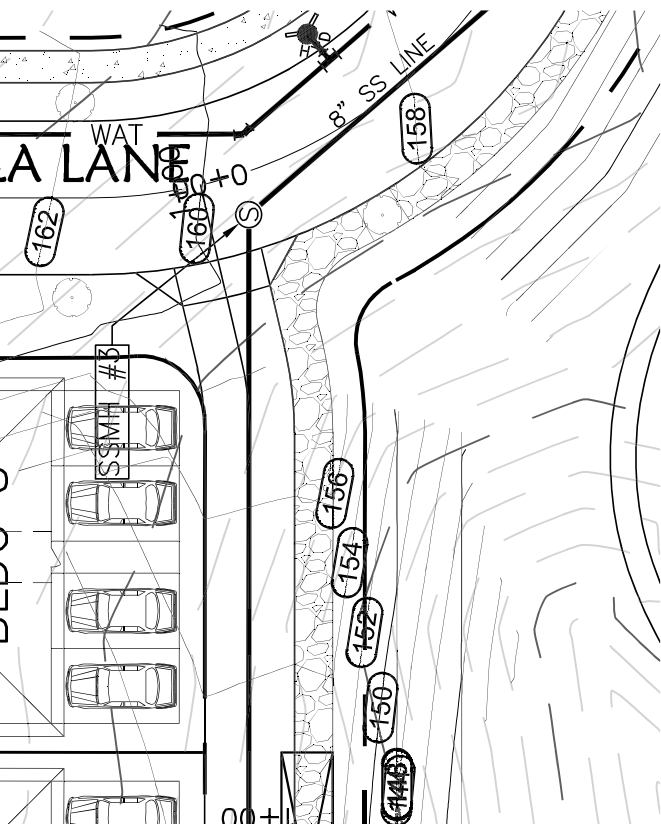
HORIZONTAL SCALE: 1" = 10'

VERTICAL SCALE: 1" = 10'

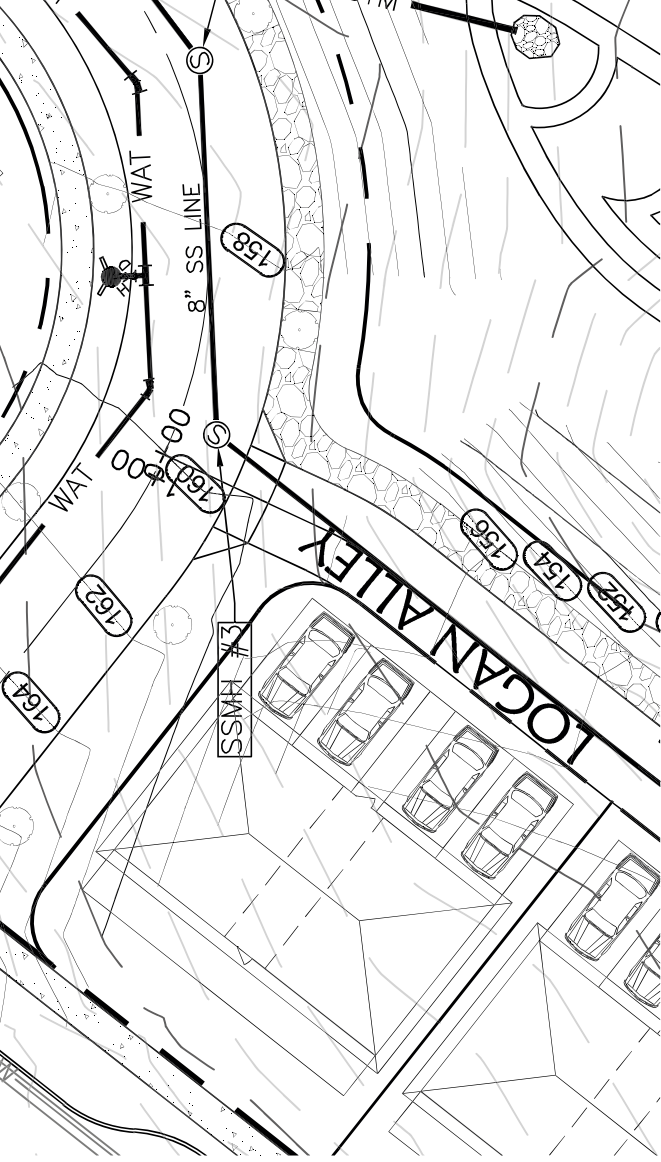
LOT #7



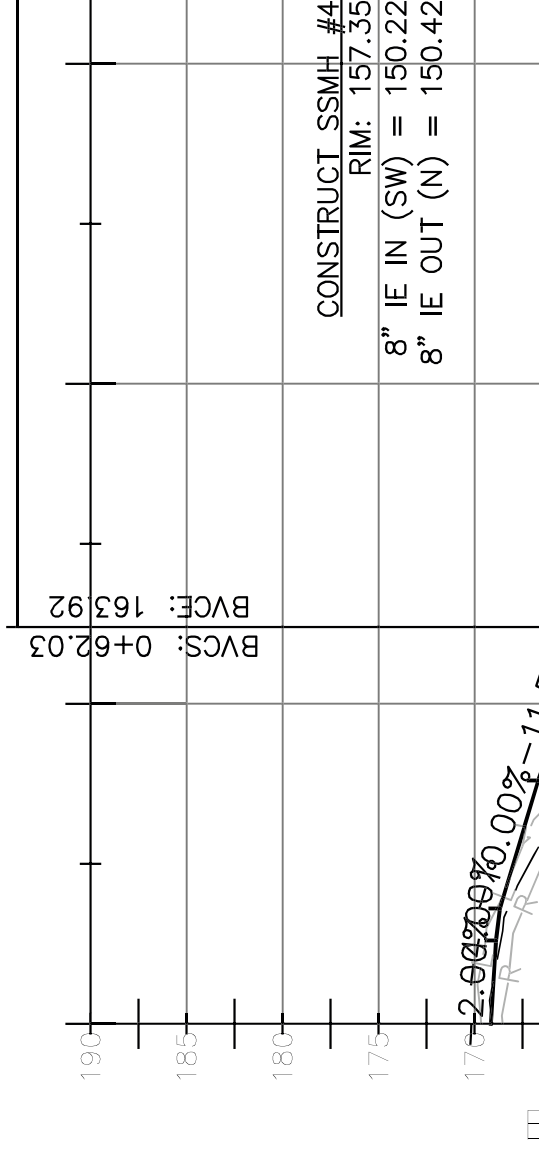
NE ANNABELLA LN



PVI STA: 0+76.32
 PVI ELEV: 152.44
 LOW PT STA: 1+33.83
 LOW PT ELEV: 152.153
 K: 10.00
 A.D.: 11.50%
 LVC: 115.01



PVI STA: 1+24.55
 PVI ELEV: 156.73
 LOW PT STA: 1+77.02
 LOW PT ELEV: 157.308
 K: 10.00
 A.D.: 12.50%
 LVC: 125.03



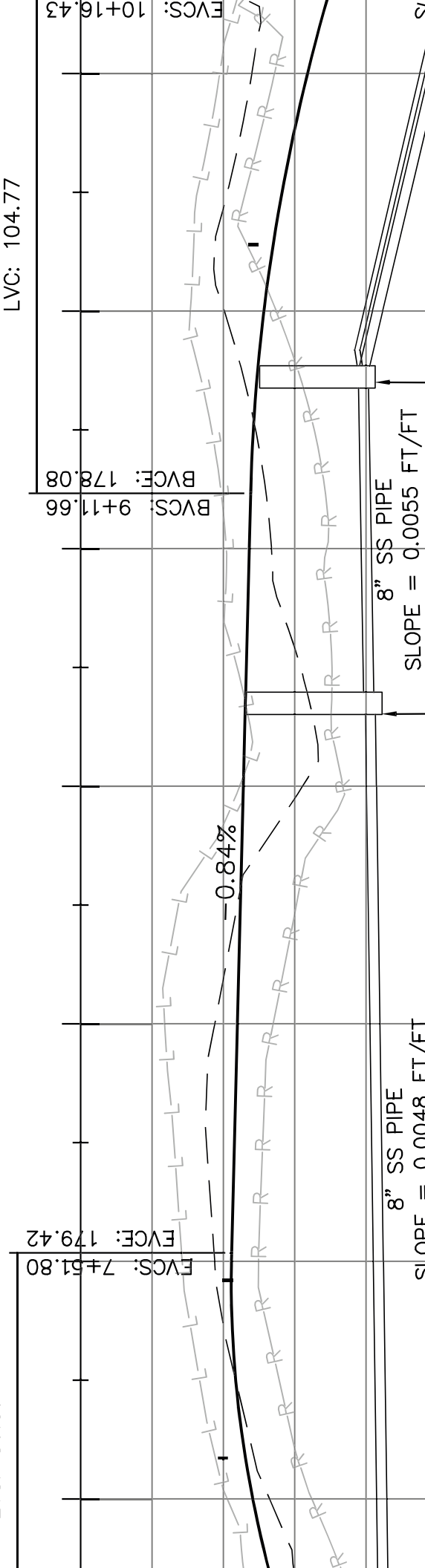
CONSTRUCT SSMH #4
 RIM: 157.35
 8" IE IN (SW) = 150.22
 8" IE OUT (N) = 150.42



PLAN VIEW
SCALE: 1" = 30'

PVI STA: 7+08.61
 PVI ELEV: 179.78
 GH PT STA: 7+45.95
 GH PT ELEV: 179.441
 K: 7.00
 A.D.: -12.34%
 LVC: 86.37

PVI STA: 9+64.05
 PVI ELEV: 177.64
 HIGH PT STA: 9+11.66
 HIGH PT ELEV: 178.082
 K: 12.00
 A.D.: -8.73%
 LVC: 104.77



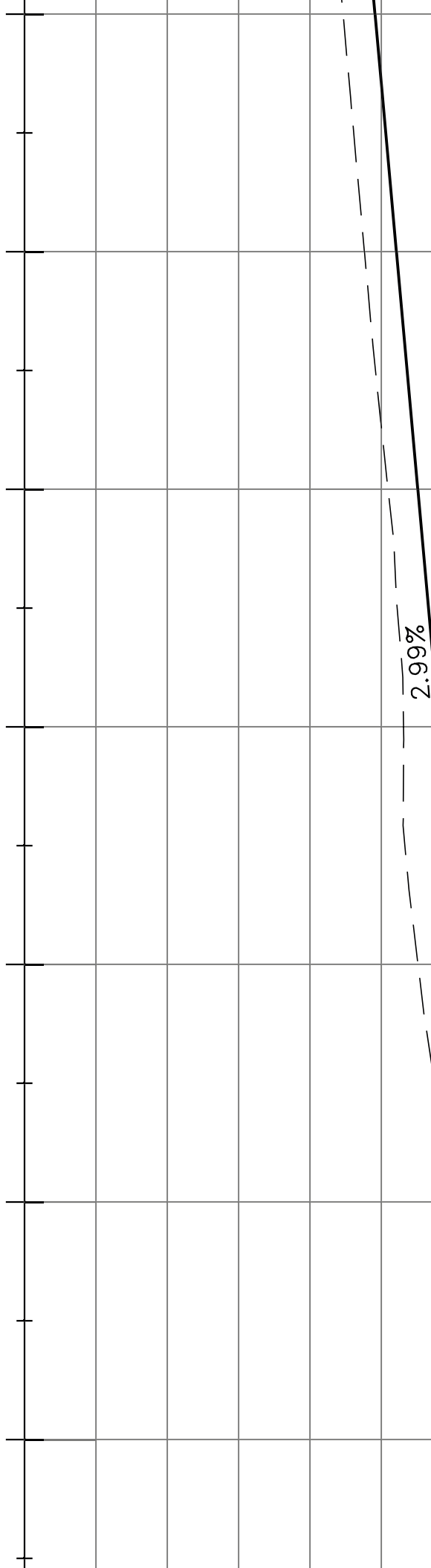
EVC: 7+51.80
 EVC: 179.42

BVC: 9+11.66
 BVC: 178.08

EVC: 10+16.43

8" SS PIPE
 SLOPE = 0.0048 FT/FT

8" SS PIPE
 SLOPE = 0.0055 FT/FT

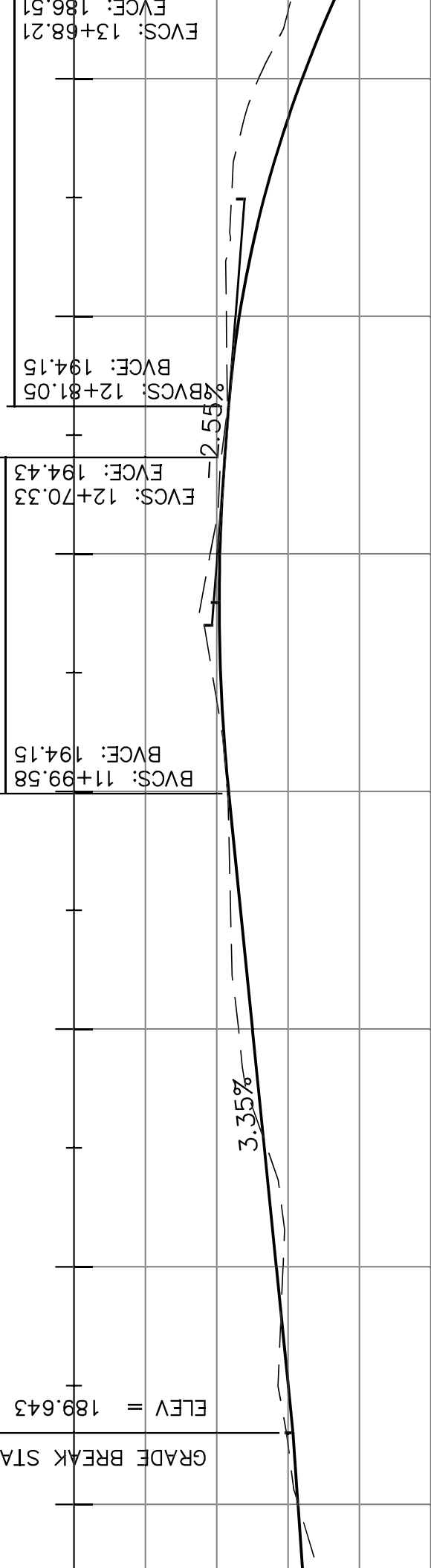


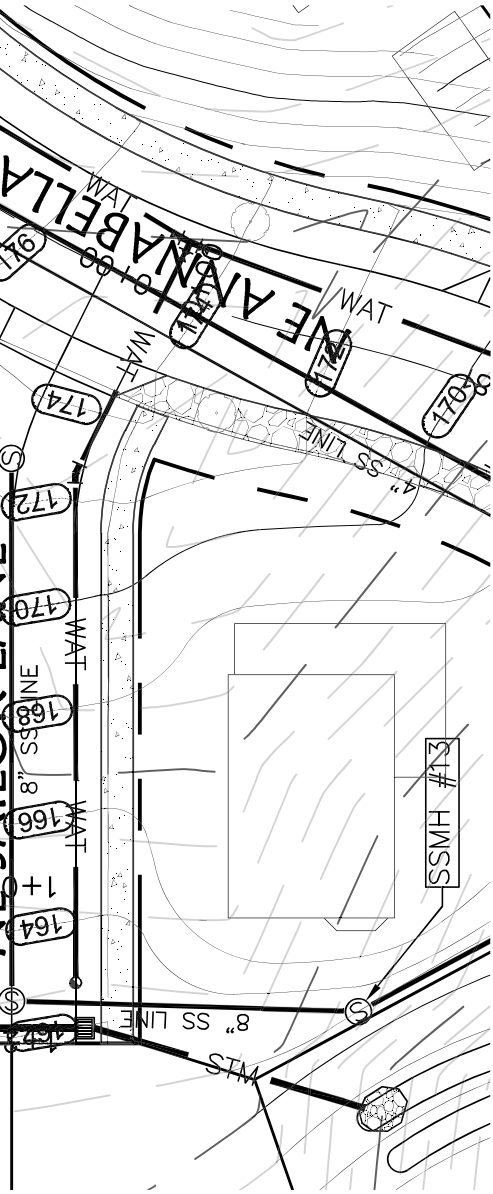
SCALE: 1" = 30'

GRADE BREAK STA = 10+65.05
ELEV = 189.643

PVI STA: 12+34.95
PVI ELEV: 195.33
HIGH PT STA: 12+39.74
HIGH PT ELEV: 194.818
K: 12.00
A.D.: -5.90%
LVC: 70.75

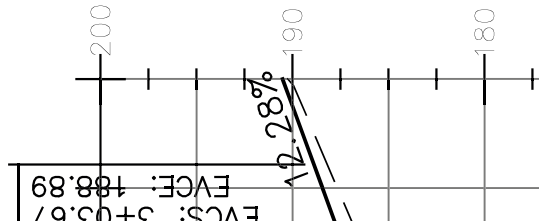
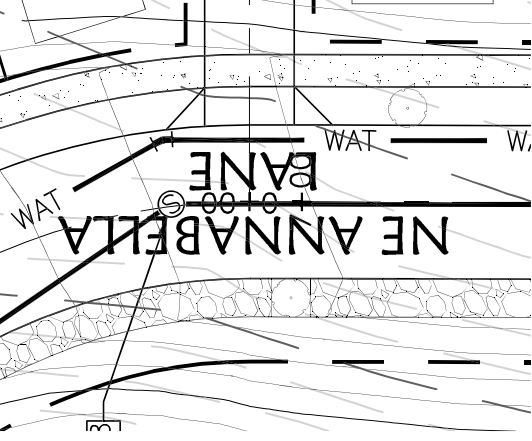
PVI STA: 13+24.63
PVI ELEV: 193.04
HIGH PT STA: 12+81.05
HIGH PT ELEV: 194.155
K: 7.00
A.D.: -12.45%
LVC: 87.16





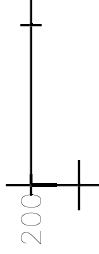
PLAN VIEW

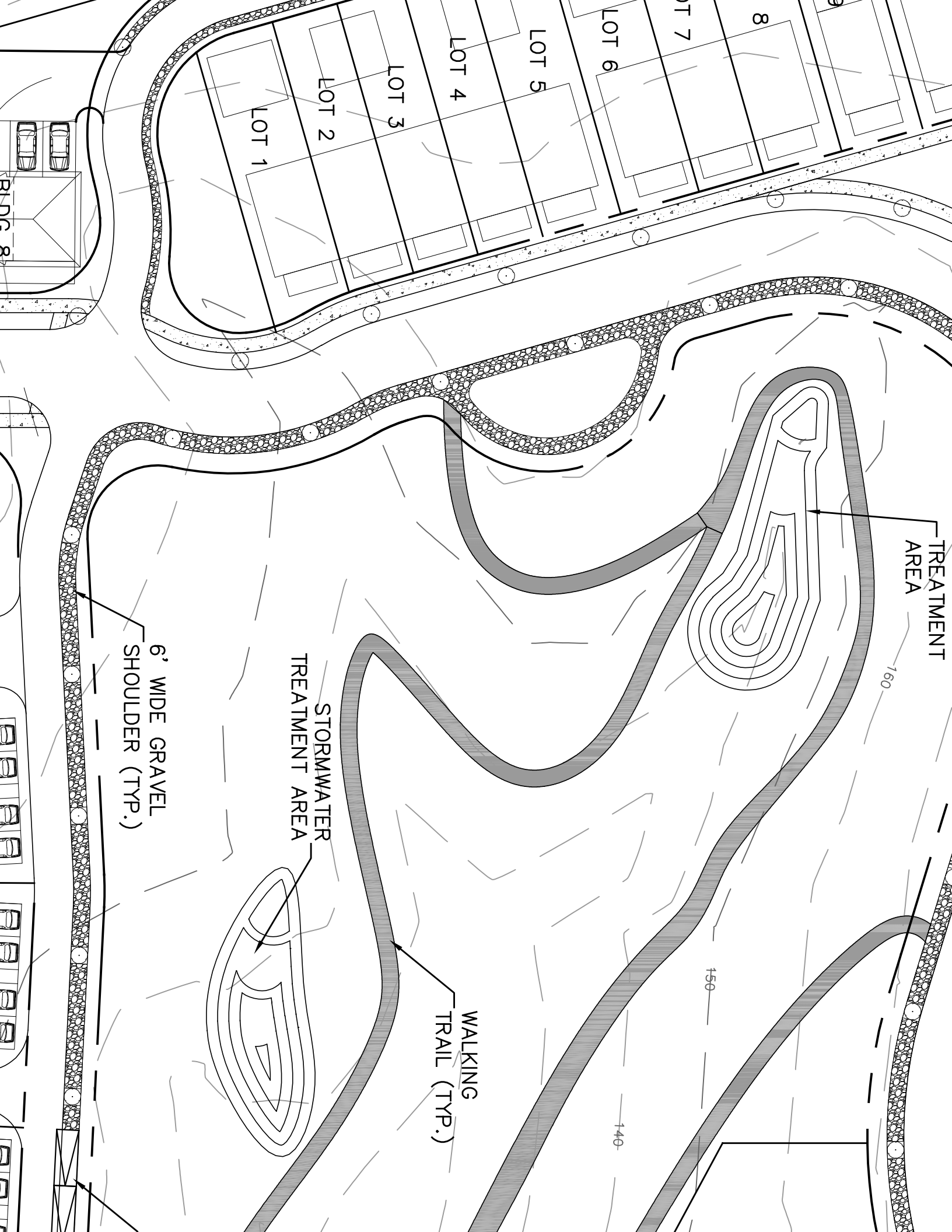
SCALE: 1" = 30'



CONSTRUCT SSMH #15
RIM: 172.80
8" IE IN (SW) = 164.10

CONSTRUCT SSMH #14
RIM: 162.70





TREATMENT AREA

160

150

140

WALKING TRAIL (TYP.)

STORMWATER TREATMENT AREA

6' WIDE GRAVEL SHOULDER (TYP.)

LOT 1

LOT 2

LOT 3

LOT 4

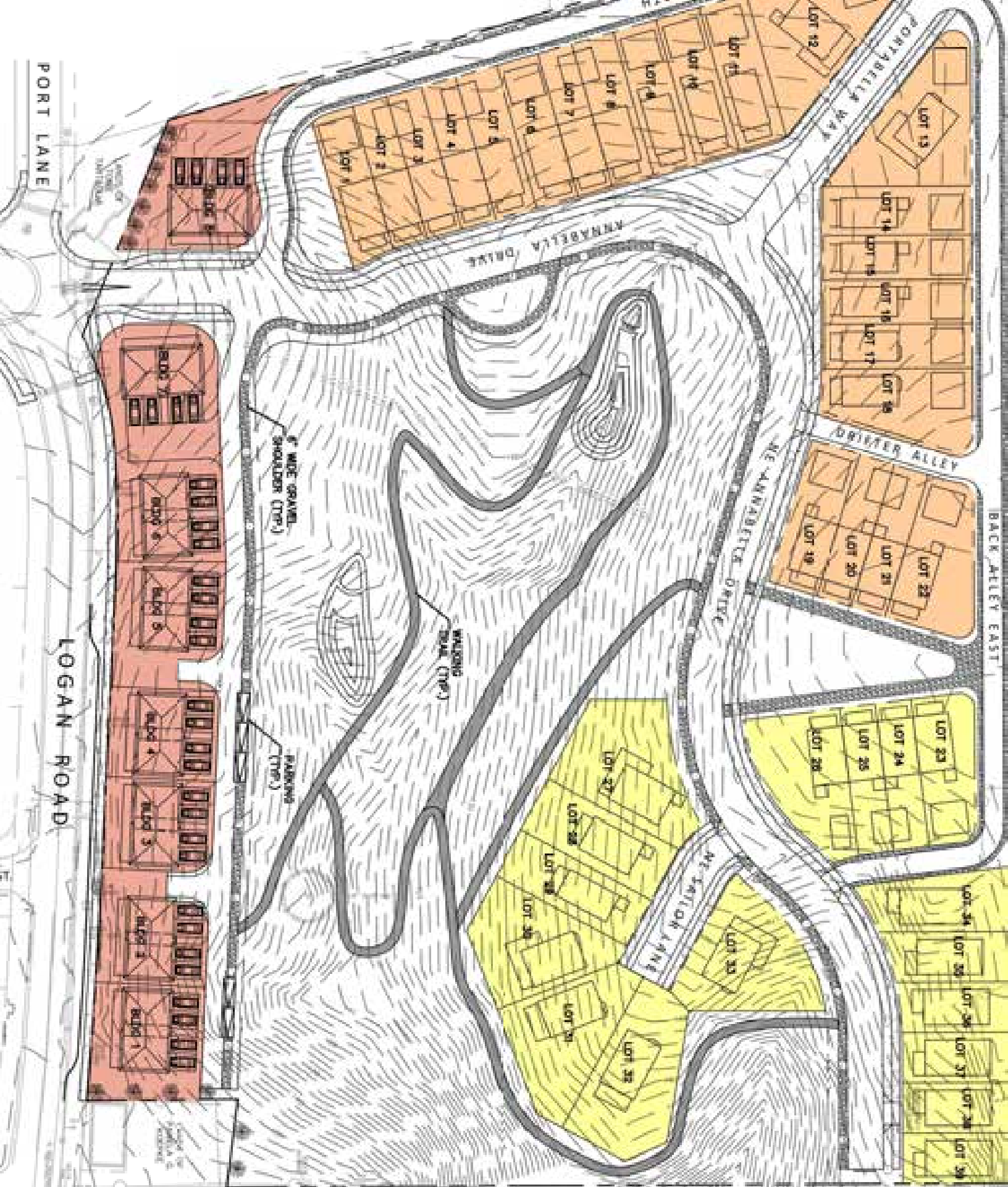
LOT 5

LOT 6

LOT 7

LOT 8

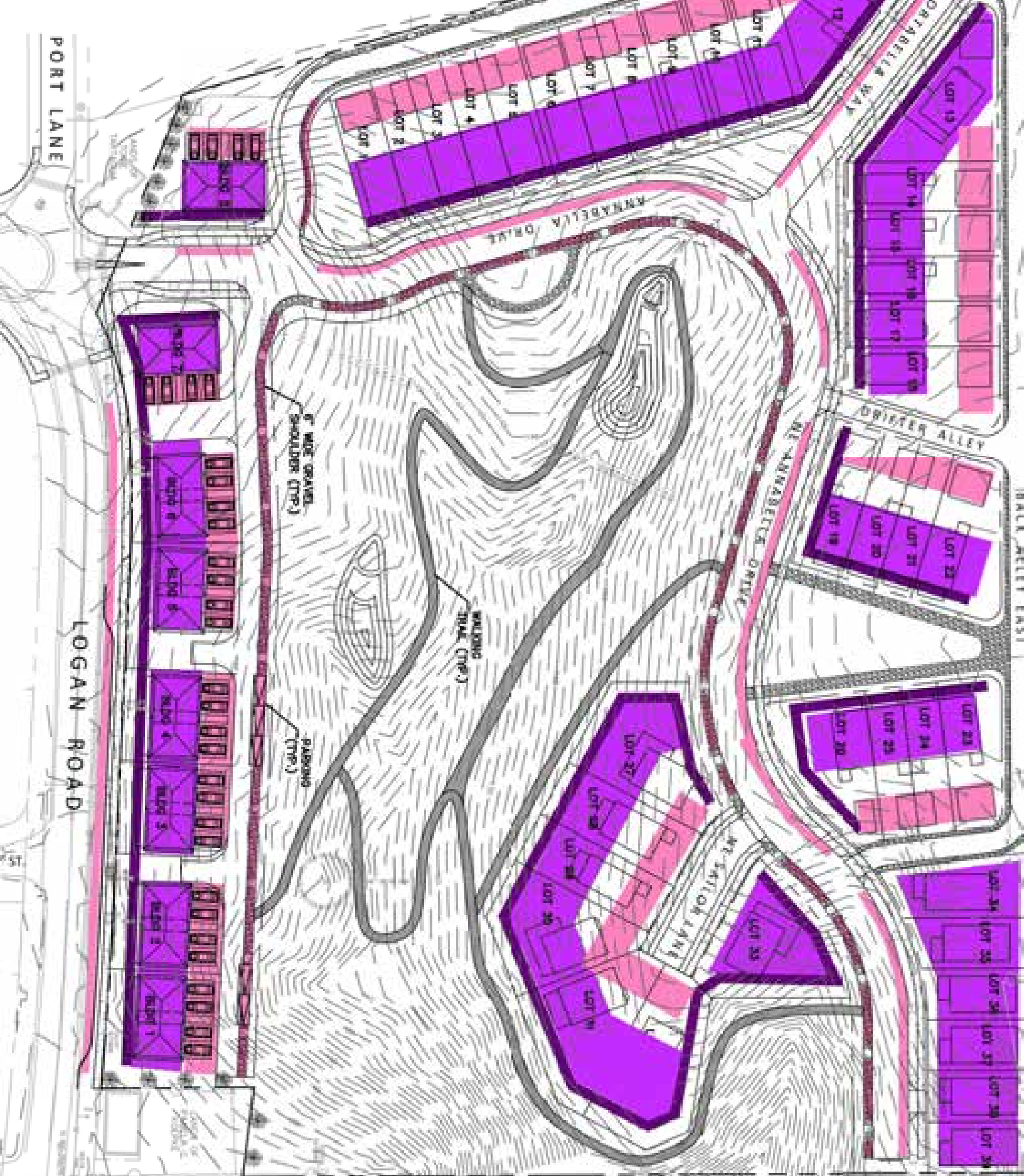
BNG 8



LOGAN WOODS

Central Oregon Coast Properties LLC
 Laurence Qamar Architecture & Town Planning

Reece & Associates, Inc., Civil Engineering /Entire



LOGAN WOODS

Central Oregon Coast Properties LLC
 Laurence Qamar Architecture & Town Planning
 Reece & Associates, Inc., Civil Engineering /Ent

Regulating Plan 2 of 2: Building Placement

Key:
 Front Porch Encroachment Zone: porches, stoops, decks



Staff Report
City Council Hearing on June 8, 2020
Case File ANNEX 2020-01 and CPA/ZC 2020-02

Date: May 29, 2020

Case File: ANNEX 2020-01 and CPA/ZC 2020-02 Woods Annexation

Applicant: Woods One LLC
 24850 SW Melott Rd
 Hillsboro, OR 97123
 503-628-0950
swoods.home@aol.com

Applicant's Representative: Richard Townsend
 Townsend Planning & Design LLC
 1936 NE 63rd St
 Lincoln City, OR 97367

Property Owner: Woods One LLC
 24850 SW Melott Rd
 Hillsboro, OR 97123

Situs Address: No address

Location: East side of NW Logan Rd, approximately 370 feet south of the east-west stretch of NE Port Ln

Tax Map and Lot: 06-11-35-CC-02400 and 06-11-35-CC-02900

Comprehensive Plan Designation: Lincoln County's Residential

Zoning District: Lincoln County's Residential (R-1-A)

Site Size: 11.15 ac per Lincoln County Property Report

Proposal: Annexation of approximately 11.15 acres into City of Lincoln City with a comprehensive plan map change from Lincoln County to Lincoln City's Single-Family Residential District (R-5) and a zoning map change from Lincoln County's Residential (R-1-A) Zone to Lincoln City's Single-Family Residential (R-1-5) Zone



**Proposed
Comprehensive Plan
Map Designation:**

Single-Family Residential District (R-5)

Proposed Zone:

Single-Family Residential (R-1-5) Zone

**Surrounding
Land Uses
and Zones:**

North: Northwest single-family residences, Northeast city water tower; R-1-RE
South: Southwest hotel, Southeast undeveloped tribal land; RC
East: Single-family residences; R-1-7.5
West: NW Logan Rd, and west of the road single-family residences; R-1-RE

Public Notice:

The Planning and Community Development Department mailed notice of the public hearings to the owners of all properties within 250 feet of the site on January 27, 2020. A second notice was sent February 4, 2020, correcting a typographical error in the Assessor's Map number for Tax Lot 2900. The *News Guard* published the notice on February 5, 2020 and February 12, 2020. On February 5, 2020, the notice of the public hearings was posted on the subject property, at City Hall (801 SW Hwy 101), the Driftwood Public Library (801 SW Hwy 101), the Lincoln City Community Center (2150 NE Oar Place), and the Lincoln City Cultural Center (540 NE Hwy 101).

Authority:

Lincoln City Comprehensive Plan Urbanization Policy 5(g) *Annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon statutes.*

Oregon Revised Statutes (ORS) 222.111(1) *When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915), the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right-of-way or a stream, bay, lake, or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.*

ORS 222.111(2) *A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. Authority and procedure for annexation, states the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city. A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.*

ORS 222.120(1) *Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.*

ORS 222.120(2) *When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the*

legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Lincoln City Municipal Code (LCMC) Section 17.88.040.A. Upon filing of the application for an amendment as described in LCMC 17.88.030, or upon motion of the city council or planning commission for the initiation of the amendment, the matter shall automatically be referred to the planning commission. The planning commission shall study the matter to the extent that it considers such study to be necessary, including the holding of a public hearing if it so desires, and shall, in open meeting, recommend the approval or disapproval of the amendment. The recommendation shall be reported to the city council by filing the recommendation with the city manager. The city manager shall, upon filing the recommendation, report the same to the city council at a subsequent regular city council meeting after the filing of the recommendations, by setting the matter for public hearing pursuant to LCMC 17.88.050.

**Applicable
Substantive
Criteria:**

The amendment must be in conformance with Oregon Revised Statutes, the Oregon Statewide Planning Goals, the Lincoln City Comprehensive Plan, and the applicable provisions of LCMC Title 17.

BACKGROUND

Previous Efforts

The subject property has been the subject of two previous annexation attempts. In 2005, Kirk Wardius requested that the site be annexed into the city and retain the existing Lincoln County Residential (R-1-A) zoning (*file ANNEX 2005-01 Wardius*), which is a single-family residential designation with a 6,000 square foot minimum lot size. A development plan was not submitted as part of that application.

The City Council denied the 2005 annexation request, citing a number of reasons, including:

- The inability of the City to identify the impacts and service demands of development on the property because the application materials did not contain a development plan;
- Concerns about the impact of new traffic in an already-congested section of road and an inability to determine the portion of the cost of improvements that new development in the area proposed for annex would be responsible for without a traffic study and before completion of the City's Transportation Master Plan; and
- Uncertainty about the availability of water and the ability to provide for the subject property and for the Roads End area as a whole.

There was a second attempt to annex the site in 2014 (*file ANNEX 2014-01 Logan Park*). The property owner, Central Oregon Coast Properties LLC, submitted applications for annexation, comprehensive plan amendment and zone change, and preliminary master plan approval in March 2014. The application proposed 71 new dwelling units in a mix of apartments, townhouses, and single-family homes that preserved the center of the property as open space with development clustered on the property edges.

The City Council denied the 2014 annexation and preliminary master plan request, in a Final Order dated June 8, 2015, finding that:

- “There is currently no demonstrated public need or necessity for annexation of additional residential lands...”; and that
- “The developer’s proposal to include a workforce housing component in the Development Agreement was appropriately directed to filling a specific housing need; however, ultimately, the level of commitment the developer was willing to make toward this need in the Development Agreement (in terms of percentage) was inadequate.”

Current Application

The current application requesting annexation with an associated comprehensive plan map amendment and zoning change was received on January 3, 2020. The application does not include any requests for a statutory development, planned unit development preliminary master plan, or subdivision preliminary plat.

The application materials were reviewed by City staff, and the application was deemed completed on January 14, 2020. The letter notifying the applicant of the completeness determination was mailed on January 16, 2020. Notice of the public hearings was mailed to property owners within 250 feet of the site on January 27, 2020. A second notice of the public hearings correcting a typographical error in the Assessor’s Map number for Tax Lot 2900 was mailed to the same list of property owners within 250 feet of the site on February 4, 2020. Notice of the public hearings was published in *The News Guard* on February 5, 2020 and February 12, 2020. The notice was posted on February 5, 2020, on the subject property, at Lincoln City City Hall (801 SW Hwy 101), the Driftwood Public Library (801 SW Hwy 101), the Lincoln City Community Center (2150 NE Oar Pl), and the Lincoln City Cultural Center (540 NE Hwy 101).

The applicant states the nature of the request as follows:

Woods One LLC seeks annexation of approximately 11.15 acres of land located within the Urban Growth Boundary. They propose a change in zoning from Lincoln County’s R-1-A zone to the city’s R-1-5 zone.

The Planning Commission recommended approval of the annexation in FR 2020-01 and recommended denial of the comprehensive plan map amendment and zone change in FR 2020-06.

ANALYSIS

Annexation

Oregon Administrative Rules 660-014-0060, Annexations of Lands Subject to an Acknowledged Comprehensive Plan, states that a city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the [Land Conservation and Development Commission] to have been made in accordance with the [Statewide Planning Goals] unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. A comprehensive plan policy need not be a mandatory approval criterion to “control the annexation” for purposes of OAR 660-014-0060; it is sufficient that the policy provides relevant guidance with respect to annexations. Lincoln City has an Acknowledged Comprehensive Plan.

Title 17, which is the zoning ordinance, does not provide any guidance for annexations. The only references to annexations are zoning of annexed areas (LCMC 17.12.050), which states that areas annexed to the city will be classified with the underlying county zoning designation until rezoned by the city, and statutory development agreements (Chapter 17.96 LCMC), which states that the agreement shall specifically address the effect, if any, on the applicability of the agreement or implementation of the agreement when the City of Lincoln City annexes all or part of the property subject to the development agreement. In the case of ANNEX 2020-01, the applicants have requested a zone change, so LCMC 17.12.050 is not applicable for the

annexation **unless** the City Council approves the annexation and denies the zone change request. Chapter 17.96 LCMC is not applicable as the applicants have not requested a statutory development agreement in conjunction with their annexation request. The annexation request stands as simply an annexation request with no statutory development agreement.

Comprehensive Plan Map Amendment and Zone Change

The city's comprehensive plan provides for major and minor revisions. Major revisions are changes to the comprehensive plan and zoning map that have widespread and significant impact upon the immediate area of the change; such as quantitative changes, producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to commercial land use; or a spatial change that affects large areas or many different ownerships. The definition of minor revision is listed as changes to the comprehensive plan and zoning map which focus on specific individual properties and which do not have a significant effect beyond the immediate area of change. The request is for a change between residential zones (Lincoln County's Single-Family Residential Zone with 6,000-square-foot minimum lot size to Lincoln City's Single-Family Residential R-1-5 Zone with 5,000-square-foot minimum lot size) on a specific individual property under one ownership. The surrounding areas to the north, east, and west are both zoned and fully developed as residential and are in use as residential with all the requisite traffic associated with residential uses. The comprehensive plan states that a determination of whether a proposed change is major or minor is made by the planning director or city manager. In the case, the planning director has determined that the proposed change is a minor change since there are no quantitative, qualitative, or spatial changes and since this focuses on a specific individual property requesting a residential zone that won't have significant impact on the surrounding residential properties. The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

The City Council needs to be aware that statements in the application regarding the intentions of the property owner to do such things as providing "a substantial portion of workforce housing in the property's development mix" are not binding, unless a statutory development agreement is approved by the City Council. Similarly, the applicant's expression of willingness to provide an easement for drainage of the City's water tower is not binding either. Finally, the applicant submitted some proposed subdivision plans, but without a statutory development agreement, the proposed plans are not binding and can be changed in any fashion provided they are compliant with the rules and regulations in effect upon the date submittal for subdivision approval.

A. Lincoln City Comprehensive Plan Goals

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 (DLCD) acknowledged the City of Lincoln City's Comprehensive Plan (Comprehensive Plan) and implementing land development regulations (including Zoning Title 17) as complying with the Statewide Planning Goals. Review of these amendments in accordance with the Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of Chapter 17.88 LCMC, 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 comprehensive plan map amendment and zone change must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

The request is to change approximately 11.15 acres of property currently zoned Lincoln County's R-1-A to Lincoln City's R-1-5 zone, with a comprehensive plan map change from Lincoln County's Residential Designation to Lincoln City's Single-Family Residential (R-5) District. The proposed zone change introduces a new zone to the immediately adjacent sites and surrounding areas as north and west are zoned R-1-RE and east is zoned R-1-7.5, but the comprehensive plan map change is simply a change from the county's residential map designation to the city's residential map designation. Note that the city's comprehensive plan map does not have designations for properties in the urban growth boundary, but not in the city's limits.

The Comprehensive Plan states the following:

A Medium-Density Residential District (R-7.5), in which the minimum lot size per dwelling unit is 7,500 square feet and the housing density is in [the] range of 4 to 5 dwelling units per acre. In areas not served by the sewer system, larger lots will be required.

A Single-Family Residential District (R-5), located along the ocean and lake fronts is to be composed primarily of single-family dwellings. This district is designed to provide neighborhoods of a quiet residential nature in which all structures have approximately the same height and bulk. The majority of the land in these areas is platted in lots of 5,000 square feet or less.

LCMC 17.16.010 lists the purpose of the Single-Family Residential (R-1) zone as: "to promote and encourage environment for family living and to protect and stabilize the residential characteristics of the zone. The R-1 zone is intended to provide primarily for single-family dwellings." R-1-5 and R-1-7.5 have the same purpose as they are both in the R-1 zone.

LCMC 17.17.010 lists the purpose of the Single-Family Residential, Roads End (R-1-RE) zone as: "to retain and maintain the historic and traditional nature of the Roads End neighborhood, to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the area. The R-1-RE zone is intended to provide primarily for single-family dwellings."

Below are the development standards for the three city zones.

Zone	Max Bldg Height	Lot Area	Lot Width	Lot Depth	Front Yard	Side Yard	Street Side Yard	Rear Yard	Max Lot Coverage
R-1-5	35 ft	5,000 sq ft	50 ft	70 ft	5 or 7-1/2	5 or 7-1/2	5 or 7-1/2	5 or 7-1/2	35%
R-1-7.5	35 ft	7,500 sq ft	70 ft	80 ft	5 or 7-1/2	5 or 7-1/2	5 or 7-1/2	5 or 7-1/2	35%
R-1-RE	30 ft	5000 sq ft	50 ft	70 ft	20	7-1/2 or 10	20	7-1/2 or 10	35%

After comparing the R-1-5, R-1-7.5, and R-1-RE comprehensive plan and zoning purposes, as well as the development standards, staff concludes the request does not represent an intrusion into the existing residential

area that is not consistent with the unamended portion of the Comprehensive Plan as all three zones are single-family residential.

For informational purposes, note that the county's R-1-A development standards are as follows:

- Lot Size:
- 6,000 square feet if served by both a public or community water supply system and public or community sewage disposal system and is within Rural Community Boundary or Urban Growth Boundary
 - Two acres when a lot is not served by either a public or community sewage disposal or water supply system or is outside of Rural Community Boundary

Depth to Width Ratio: Shall not exceed 2 ½ to 1 on lots less than 25,000 square feet

Within urban growth boundaries, a division to planned urban densities may be allowed when an agreement for future services is signed by affected city and developer and recorded with the deed.

- Front setback: 20 feet
- Side setback: Minimum of either five feet or one foot for each three feet of building height, whichever requirement is greater
- Street side setback: Minimum of 20 feet and may be decreased at the rate of one foot per additional two feet of setback from the front lot line, except that such setback shall not be less than 10 feet.
- Rear setback: Minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one for each three feet of building height, whichever requirement is the greater.
- Building height: No building shall exceed a height of 30 feet.
- Lot Coverage: Buildings shall not occupy more than 30 percent of the total lot area.

Regarding the annexation request, LCMC Title 17 does not specify a process or criteria for making a decision on annexation. The Comprehensive Plan provides in Urbanization Policy 5(g) that "annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon statutes." The proposed annexation is within the city's designated urban growth boundary, so if the City finds annexation serves the City's other goals and is in accordance with relevant Oregon statutes, then it 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 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 annexation, 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 says "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 the area and serve as a framework for urban and rural development."

The site is undeveloped, so it does not contain public services and utilities presently. However, it is assumed public services and utilities are in place adjacent to the site of the proposed annexation, map amendment, and zone change, and are currently providing service to the existing developments to the north, south, east, and west. The City's mapping shows an existing sanitary sewer line running on the northern property line, with three manholes. A pressurized water main line is in place along the eastern side of NW Logan Road. The existing sanitary sewer and water systems have capacity to accommodate residential development on the subject site.

The applicant identifies, and the City's mapping shows, a natural drainage way bisecting the site. The applicant states the drainage way is adequate to handle storm water drainage. The applicant also mentions the City's plans to use the drainage way as emergency overflow for the 4.25-million-gallon water tank and notes that the City does not have an easement for such a use. The application expresses a willingness to provide such an easement, although the current application provides no mechanism for making this binding.

There is no mention in the application of other utilities and public services such as electric power. The City's mapping does not provide information on any utilities other than sanitary sewer, water, and storm water. Again, staff assumes that, based upon the existing developments surrounding the subject site, private utilities are available or can be made available to serve new residential development on the subject site.

Existing services and utilities, and connections of such to the subject site as part of development, generally satisfy Goal 3.

4. Urbanization Goal

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

In addition to setting the rules for modifications to the urban growth boundary (UGB), the urbanization policies associated with the urbanization goal set the process and criteria for annexation of lands within the UGB. The area affected by the proposed annexation is entirely within the UGB and is surrounded on all sides by land already incorporated into the City.

The area affected by the proposed map amendment and zone change is within the UGB and is surrounded by urban development. The proposed rezoning will not change the current urban development; rather, it will add to it. Goal 4 is satisfied.

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 do not show any known natural hazards at the subject site. The subject site is outside the bluff erosion zone, and is outside the 500-year flood zone (FEMA flood zone X). Evidence of ancient mass-wasting events were mapped by CH2M-Hill on the properties immediately to the north, but not on the subject site. The proposal is consistent with Goal 5.

6. Housing Goal

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

The proposed annexation and rezoning would add approximately 11.15 acres of R-1-5-zoned property to the City’s inventory of buildable residential land. The proposed R-1-5 zone permits single-family dwellings and duplexes, attached single-family dwellings, manufactured homes, and four-flat dwellings.

The applicant notes that the subdivision will have to be processed as a planned unit development as required by current standards in LCMC 16.08.050. Using the method described in LCMC 17.52.210 to calculate the maximum number of dwelling units that might be allowed on the site, without applying additional density bonuses, the applicant came up with a maximum of 80 allowed dwelling units on the site. Staff estimated 79 units as part of the 2005 annexation attempt, and the applicant proposed 71 units in the 2014 attempt. For the purpose of assessing compliance with this goal, staff use a range of 70-80 potential new dwelling units.

The City conducted an Economic Opportunities Analysis and Housing Needs Analysis, dated April 2017, prepared by Cogan Owens Greene, FCS Group, and Fregonese Associates. An analysis of the existing housing and tenancy found the current housing mix consists primarily of single-family detached homes, with 61 percent of the total housing stock. Multi-family housing accounts for 19 percent of the housing inventory. Townhomes/plexes and mobile homes each account for 10 percent of the housing inventory. Among permanent residents, owner-occupied housing is concentrated in the single-family detached and mobile home categories.

The resulting baseline housing forecast for the City identifies the need for 948 net new dwellings for permanent residents over the next 20 years. Assuming that the 948 net new is proportional in type to the existing mix of dwelling units, 578 new single-family dwellings are needed for permanent residents over the next 20 years. Further, if we assume the current level of seasonal housing (second homes and short-term rentals) and vacant inventory remain at current levels (36 percent 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 – 905 of which would be single-family units.

An examination of the most recent tax lot data from Lincoln County (received December 2019) shows an inventory of undeveloped and underdeveloped residential land that includes approximately 1,232 acres on 2,014 lots. This does not include permitted residential uses on undeveloped commercial land. Approximately 83 percent, or 1,030 acres, of the residential land supply is dedicated to single-family dwellings. The 2017 study states that the estimated demand for residential lands in the City ranges from 206 to 249 acres. With a vacant residential land supply of 1,232 acres, the City has a surplus of approximately 983 acres of buildable residential lands. Additionally, with an inventory of approximately 1,432 undeveloped or underdeveloped

single-family residential lots and a need for approximately 281 new single-family residences, the City has a surplus inventory of approximately 983 single-family lots.

The 2014 attempt to annex the subject site sought to accommodate the need for a mix of dwelling types as part of the development's master plan. The current application acknowledges that a specific development plan has not been identified, but states that the owners intend to include a substantial proportion of workforce housing in the development mix and discusses the number of units that would be allowed. As stated previously in this report, any statements by the applicant about development intentions are not binding and there is no way for the City to know whether, by annexing an additional 11.15 acres, it will get the types and quantities of development that is needed to meet estimated current and future housing demands.

The application refers to workforce housing – especially mentioning “housing for those employed at nearby tourist facilities such as the casino, restaurants, and motels” – which is a specific need in Lincoln City. However, there is no guarantee that development of the site will contribute the mix or quantity of housing needed in Lincoln City, or that it will result in additional new housing rather than displacing infill development that would otherwise occur. The proposed annexation is not consistent with Goal 6.

The types and quantity of development under the existing County Single-Family Residential zoning will change only incrementally if the zone change is granted. The request 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 applicant states the following:

“The proposed annexation and rezoning will have little direct effect on the tourist economy. Indirect effects may be felt through the removal of the blighted clear-cut area and its replacement with attractive, well-planned development that includes recreational opportunities. This will be especially beneficial to Roads End by providing a more pleasing entrance to the area and its tourist-oriented resources such as the state park and the nearby trail network. When built out the property also will benefit the tourist economy through providing additional housing opportunities for those employed at nearby tourist facilities such as the casino, restaurants, and motels. The construction phase also will provide a substantial number of jobs, providing a benefit to other sectors of the city's economy. These facts demonstrate that the proposed annexation and rezoning are consistent with the Economy Goal.”

The R-1-5 zone does not permit any commercial uses. Bed and breakfast accommodations and accessory vacation rental dwellings are allowed, subject to code requirements, as accessory to the dwelling. Annexation of the site into the City with the R-1-5 zone does not provide any industry to support tourism, other than the few bed and breakfasts and accessory vacation rental dwellings that may result in some of the new houses. Staff finds this Goal 7 is either met or is not applicable.

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 subject site was previously densely forested with mature trees. Previous owners of the subject site removed all of the trees prior to the 2014 annexation attempt, and the site is now covered with brush and

invasive weeds. Development of the site, with the associated landscaping and likely open space, will be an improvement, aesthetically. Goal 8 can or will be met as part of future development.

9. Transportation Goal

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

The application refers to the traffic impact study submitted as part of the 2014 annexation attempt, which identified a worst-case development under City zoning as resulting in only 11 additional PM peak hour trips compared to development under the existing county zone. However, the applicant only compares the traffic impacts from the difference between the existing County zoning and the proposed new City zoning and does not analyze the impacts from the additional 71 units that were proposed as part of the 2014 annexation attempt.

Future development will have to comply with the City's development standards, including compliance with the City's Transportation System Plan. The subject site receives access from NW Logan Road which is a minor arterial from Highway 101 to the subject site, and it's a high-use street. NW Logan Road is paved, but it does not have sidewalks or bicycle paths on either side. The NW Logan Road/Highway 101 intersection contains a traffic signal. The City's Transportation System Plan identifies driving improvements, bicycle paths, and pedestrian walkways as elements to be studied in the future. Staff finds Goal 9 is or will be satisfied with improvements required through development of the subject site.

10. Energy Goal

"To conserve energy."

The annexation and zone change alone should not affect energy conservation. However, because of topographic constraints it is possible that future development will be clustered along the edges of the site, which will reduce the energy costs of site preparation. Additionally, the close proximity of the site to entertainment, services, and shopping may encourage walking instead of driving. This outcome is considerably more likely if improvements are made to provide sidewalks and bike lanes on Logan Road. All new construction in the future development will have to comply with energy codes adopted by the State of Oregon. Staff finds this goal is either not applicable to this application or will be met with future development.

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."

Although much of the habitat value of the mature forest vegetation was lost when the site was previously deforested, the existing vegetation does provide some habitat and continuing ecosystem services. In particular, the City's maps show 30,767 square feet of jurisdictional wetland running approximately north-south through the middle of the site along the bottom of the drainage way. The delineated wetland represents 6% of Tax Lot 2900 and 10.2% of Tax Lot 2400. Future development must adhere to LCMC Chapter 17.46, which provides requirements and restrictions for identified significant natural resources. Goal 11 is met with adherence to Title 17.

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

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

The subject site does not have shoreland, beaches, dunes, estuary, or ocean as it is on the east side of Logan Road. This goal is not applicable to this application.

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 annexation and for amending the comprehensive plan map and changing the zoning is available at no cost on the City’s website and also available for public review and purchase at the counter. Staff is available to explain the proposal and technical information. The City publishes hearing notices in the local newspaper in accordance with notice requirements and mails notices to impacted property owners pursuant to Measure 56. The notice of public hearing was posted at public locations across the City. 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 annexation and 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. The findings concerning the planning goal for the 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 annexation and 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, designated as Scenic Historic Areas, or identified in the Natural Resources Overlay Zone; therefore, Goal 5 is not applicable.

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. Any future development made possible by the proposed annexation and zone change will have to comply with those standards. Goal 6 is not applicable to the immediate application, but future development will be consistent with the goal.

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

City maps show no identified hazards in the area of the proposed annexation and rezoning. The findings concerning the Comprehensive Plan’s Natural Hazard Element 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 Single-Family Residential (R-1-5) zone is a residential zone. Goal 8 is not applicable.

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

The findings concerning the Comprehensive Plan’s Economy Goal are incorporated herein by this reference. The Single-Family Residential (R-1-5) zone is a residential zone. Goal 9 is not applicable.

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

The project could allow as many as 70-80 new dwelling units. 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 in proximity to this property. The findings concerning the city’s Public Services and Utilities goal are incorporated herein by this reference. The proposed annexation and rezoning is consistent with Goal 11.

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

Future development will have to comply with the City's development standards, including compliance with the City's Transportation System Plan. The subject site receives access from NW Logan Road which is a minor arterial from Highway 101 to the subject site, and it's a high-use street. NW Logan Road is paved, but it does not have sidewalks or bicycle paths on either side. The NW Logan Road/Highway 101 intersection contains a traffic signal. The City's Transportation System Plan identifies driving improvements, bicycle paths, and pedestrian walkways as elements to be studied in the future. Staff finds Goal 12 is or will be satisfied with improvements required through development of the subject site.

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

The findings concerning the City's Energy goal are incorporated herein by this reference. Staff considers the proposal 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 findings concerning the Comprehensive Plan's Land Use goal, Housing goal and Urbanization goal are incorporated herein by this reference. The proposal is 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 proposed rezoning does not affect any areas within the Willamette River Greenway; therefore, Goal 15 is not applicable.

Goal 16 – “Estuarine Resources” “To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.”

The proposed annexation and rezoning 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 annexation and rezoning. The findings concerning the Comprehensive Plan's Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Goal 17 is not applicable.

Goal 18 – “Beaches & Dunes” “To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”

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 & 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 annexation and rezoning is on the dry land area of the City, the proposed rezoning will not affect the near shore ocean and continental shelf. The findings concerning the City's Shoreland, Beaches, Dunes, Estuary & Ocean Resources goal are incorporated herein by this reference. Goal 19 is not applicable.

RECOMMENDATION

Hold a public hearing on the proposed annexation, comprehensive plan map amendment to Single-Family Residential District (R-5), and zone change to Single-Family Residential (R-1-5) Zone, close the public hearing, deliberate, and vote to approve or deny the annexation. In a separate motion, move and second to approve or deny the comprehensive plan map change from Lincoln County's Residential designation to Lincoln City's Single-Family Residential District (R-5). In a separate motion, move and second to approve or deny the zone change from Lincoln County's R-1-A zone to Lincoln City's R-1-5 zone.

Council Communication

Public Hearing: Resolution 2020-12 State Shared Revenues

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 MInutes

Background:

ORS 221.770 requires Cities to hold at least one public hearing at which citizens have the opportunity to provide written and oral comment to, and ask questions of, the authority responsible for adopting the budget of the city for the fiscal year on the proposed use of the distributions in relation to the entire budget of the city for the fiscal year.

Notice has been made as required.

For further information, see staff report under Resolution 2020-12.

Council Communication

Public Hearing: Resolution 2020-15 Adopt FY2020-21 Budget

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Authority:

ORS 294.453 provides that the governing body of a municipal corporation shall meet at the time and place designated in the notice of meeting, for the purpose of holding a public hearing on the budget document as approved by the budget committee.

Notice has been made as required.

For additional information see staff memo on Resolution 2020-15.

Council Communication

Public Comment: Resolution 2020-13 Setting Water/Sewer Rates

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 Minutes

Authority:

294.160 Opportunity for public comment on new fee or fee increase. (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

For further information, see staff memo under Resolution 2020-13.

Council Communication

Resolution 2020-12 State Shared Revenues

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 Minutes

Question:

Should Council enact a resolution to receive State shared revenues for FY2020-21?

Authority:

In order to receive State Revenue sharing, ORS 221.770 requires a City to elect to receive distributions from the State revenue sharing for the fiscal year by enactment of an ordinance or resolution expressing that election, and filing the resolution with the Oregon Department of Administrative Services no later than July 31 of the fiscal year.

Background:

The approved FY2020-21 budget includes \$168,800 of State Revenue Sharing in the General Fund. In order to receive these monies, the City must hold a public hearing to receive citizen comment, and must also adopt a resolution expressing the City's election to receive state revenues.

The public hearing has been noticed in the paper as required.

Council Options:

1. Motion to approve Resolution 2020-12.
2. Do not approve Resolution 2020-12.

Attachments:

Resolution 2020-12 - Election to Receive State Rev (DOC)

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RESOLUTION NO. 2020-12

A RESOLUTION DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUES

BE IT RESOLVED, that pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2020-2021.

PASSED by the City Council for the City of Lincoln City on the 8th day of June 2020.

APPROVED by the Mayor this 8th day of June 2020.

DICK ANDERSON, Mayor

ATTEST:

CATHY STEERE, City Recorder

I certify that a public hearing before the Budget Committee was held on April 20th, 2020, and a public hearing before the City Council was held on June 8th, 2020, giving citizens an opportunity to comment on use of State Revenue Sharing.

CATHY STEERE, City Recorder

Council Communication

Resolution 2020-13 Water/Sewer Rates

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Should Council adopt the approved 0.0% Water rate increase and 7.5% Sewer rate increase, for an average utility rate increase of 4.2%?

Authority:

Lincoln City Municipal Code 13.12.060(A) and 13.12.080(A) provides that the City shall set the water/sewer rates and revise those rates as necessary by resolution of the City Council.

Background:

The approved FY2020-21 budget anticipates a 4.2% increase in utility rates. Rate increases are necessary to keep the water and sewer funds operating effectively, and to cover operational and capital costs. For many years now the City has implemented an annual rate increase in both water and sewer, effective with the first billing in August.

This will be our third year of applying the total rate increase to the Sewer fund. This helps move the Sewer fund towards the goal of supporting around \$1 million in capital projects each year through utility rates, without incurring debt.

Council Options:

1. Motion to approve Resolution 2020-13.
2. Modify the percent of rate increase for water and/or sewer or do not increase rates.

Attachments:

Resolution 2020-13 - Setting Forth Water -Sewer Rates (DOCX)

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RESOLUTION NO. 2020-13

A RESOLUTION SETTING FORTH WATER/SEWER RATES

WHEREAS, the City Charter and the Oregon Revised Statutes authorizes the City to own, operate and maintain a sewage disposal system, and a city water system; and

WHEREAS, THE City of Lincoln City does in fact own, operate and maintain a sewage disposal system, and a city water system; and

WHEREAS, Ordinance No. 78-37 provides that the City shall set the water/sewer rates and revise those rates as necessary by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lincoln City does hereby set the water/sewer charges which are attached hereto, marked as Exhibit "A", and incorporated by this reference herein, as the water/sewer rates for the City of Lincoln City, effective with the August 15, 2020 billing.

BE IT FURTHER RESOLVED that the former water/sewer rates established by Resolution No. 2019-14 is hereby repealed as of the effective date of the rates established by this resolution.

PASSED AND APPROVED BY THE City Council of the City of Lincoln City this 8th day of June 2020.

DICK ANDERSON, Mayor

ATTEST:

CATHY STEERE, City Recorder

EXHIBIT "A"

**WATER AND SEWER RATES EFFECTIVE AUGUST 15TH 2019 BILLING
MONTHLY BASE CHARGE**

METER SIZE	IN CITY WATER	IN CITY SEWER	OUTSIDE CITY WATER	OUTSIDE CITY SEWER
5/8" Single Family	\$ 23.88	\$33.09	\$ 50.63	\$70.15
5/8" Other	\$ 22.84	\$33.09	\$ 48.42	\$70.15
1"	\$ 42.15	\$53.30	\$ 89.36	\$113.00
1.5"	\$ 80.77	\$93.86	\$171.23	\$198.98
2"	\$138.66	\$154.57	\$293.96	\$327.69
3"	\$273.77	\$296.35	N/A	N/A
4"	\$486.12	\$519.20	N/A	N/A
6"	\$968.84	\$1,025.54	N/A	N/A
8"	\$1,608.14	N/A	N/A	N/A

USAGE CHARGE PER 100 CUBIC FEET (748 gallons)

TYPE	IN CITY WATER	IN CITY SEWER	OUTSIDE CITY WATER	OUTSIDE CITY SEWER
Residential non- peak months*	\$3.58	\$5.49	\$7.59	\$11.64
Residential - peak months**	\$3.98	\$5.49	\$8.44	\$11.64
Commercial non-peak months	\$3.58	\$5.49	\$7.59	\$11.64
Commercial peak months**	\$3.94	\$5.49	\$8.35	\$11.64

Fire Standby charge: 10% of Base Charge based on standby meter size

Schooner Creek Surcharge \$23.62

* Residential minimum allowed consumption per each dwelling unit designed for occupancy by one family shall be allowed 400 cubic feet of consumption per month to be included within the base charge before the consumption rate per 100 cubic feet is charged, if the individual dwelling unit is connected to a water meter serving only that unit.

** Peak months are the months where the majority of the consumption occurs during the months of July, August and September.

DISCOUNT FOR DIGITAL BILLING AND PAYMENT

A discount of \$0.50 per month per account shall be given to any customer who elects to receive a paperless (digital) statement and who pays the monthly bill using the City's online service.

Council Communication

Resolution 2020-15 Adopt FY2020-21 Budget

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Adoption of the FY2020-21 Budget

Authority:

ORS 294.456 provides that, after a public hearing and consideration of matters discussed at the public hearing, the governing body of a municipal corporation shall enact the ordinances or resolutions necessary to adopt the budget, to make the appropriations, to determine, make and declare the ad valorem property tax amount or rate to be certified to the assessor, and to itemize and categorize the ad valorem property tax amount or rate.

Background:

The FY2020-21 City budget as approved by the Budget Committee is available on the City Website.

Once the public hearing has been held, Council may make changes to the budget that was approved by the budget committee. Any expenditure in any fund can be reduced. The property tax levy can be reduced from the rate or amount that was approved by the budget committee, so long as a corresponding change is made elsewhere in the fund to keep it balanced. Expenditures may be increased with certain restrictions. If the total increase in a fund exceeds the greater of \$5,000 or 10%, then Council must publish notice of a second budget hearing and a new financial summary, and hold a second public hearing before the adjusted budget can be adopted.

Potential Motions:

1. Motion to approve Resolution 2020-15 adopting the FY2020-201budget as approved.

2. Motion to approve Resolution 2020-15 adopting the FY2020-21 budget as amended.

Attachments:

Resolution 2020-15 - Adopt Budget FY2020-21 (DOC)

RESOLUTION NO. 2020-15

ADOPTING THE BUDGET

BE IT RESOLVED, that the City Council of the City of Lincoln City hereby adopts the budget for fiscal year 2020-21 in the total of \$64,818,867 now on file at the Finance Department of the City of Lincoln City.

MAKING APPROPRIATIONS

BE IT RESOLVED, that the amounts for the fiscal year beginning July 1, 2020, and for the purposes shown below are hereby appropriated:

GENERAL

City Council	35,178
Administration	792,203
Finance	905,118
Library	1,147,408
Municipal Court	115,995
City Attorney	290,360
Planning	496,734
Building Inspection	324,217
Economic Development	635,988
Police	5,848,679
Dispatch	1,224,926
Recreation Department	1,554,783
City Hall Operations	274,716
Transfers	477,207
Contingencies	1,731,785
TOTAL GENERAL FUND APPROPRIATIONS	15,855,297

LINCOLN SQUARE OPERATIONS

Lincoln Square Maintenance	465,663
Contingencies	174,569
TOTAL LINCOLN SQUARE OPERATIONS FUND APPROPRIATIONS	640,232

FACILITIES CAPITAL FUND

Capital Outlay	752,167
Debt Service	617,275
TOTAL FACILITIES CAPITAL FUND APPROPRIATIONS	1,369,442

VILLAGES AT CASCADE HEAD

Materials and Services	40,350
Capital Outlay	95,143
TOTAL VILLAGES AT CASCADE HEAD FUND APPROPRIATIONS	135,493

INTERNAL SERVICE FUND

Vehicle Maintenance	349,565
Information Technology	633,856
Geographical Information Systems	135,281
Contingencies	35,451
TOTAL INTERNAL SERVICE FUND APPROPRIATIONS	1,154,153

AGATE BEACH CLOSURE

Materials and Services	40,000
TOTAL AGATE BEACH CLOSURE FUND APPROPRIATIONS	40,000

% FOR ART

Materials and Services	10,000
Capital Outlay	123,388
TOTAL % FOR ART FUND APPROPRIATIONS	133,388

WORKFORCE HOUSING

Workforce Housing	116,271
Special Payments	125,000
TOTAL WORKFORCE HOUSING FUND APPROPRIATIONS	241,271

EXPLORE LINCOLN CITY

Explore Lincoln City Operations	2,374,804
Transfers	110,378
Contingencies	1,796,076
TOTAL VISITOR & CONVENTION BUREAU FUND APPROPRIATIONS	4,281,258

PARK MAINTENANCE

Park Operations	1,600,193
Transfers	23,786
Contingencies	957,220
TOTAL PARK MAINTENANCE FUND APPROPRIATIONS	2,581,199

PARKS CAPITAL FUND

Capital Outlay	570,188
TOTAL PARKS PLAYGROUND FUND APPROPRIATIONS	570,188

PARKS SDC'S

Capital Outlay	545,671
TOTAL PARKS SDC'S FUND APPROPRIATIONS	545,671

PROPERTY ABATEMENT

Materials and Services	26,358
TOTAL PROPERTY ABATEMENT APPROPRIATIONS	26,358

POLICE BUILDING BOND 2018

Capital Outlay	371,497
TOTAL POLICE BUILDING BOND 2018 APPROPRIATIONS	371,497

UNBONDED ASSESSMENT

Capital Outlay	378,701
TOTAL UNBONDED ASSESSMENTS FUND APPROPRIATIONS	378,701

STREET OPERATIONS

Street Maintenance	1,420,631
Transfers	107,091
Contingencies	525,485
TOTAL STREET OPERATIONS FUND APPROPRIATIONS	2,053,207

STREET CAPITAL

Street Improvements	4,190,724
Transfers	5,000
TOTAL STREET CAPITAL FUND APPROPRIATIONS	4,195,724

TRANSPORTATION DEVELOPMENT

Capital Outlay	655,876
TOTAL TRANSPORTATION FUND APPROPRIATIONS	655,876

N HWY 101 IMPROVEMENT PROGRAM

Capital Outlay	3,063,074
TOTAL N HWY 101 IMPROVEMENT PROGRAM APPROPRIATIONS	3,063,074

INTERSECTION IMPROVEMENT

Capital Outlay	145,410
TOTAL INTERSECTION IMPROVEMENT APPROPRIATIONS	145,410

STORM DRAINAGE

Capital Outlay	107,428
TOTAL STORM DRAINAGE FUND APPROPRIATIONS	107,428

WATER OPERATING

Water Utility Maintenance	2,588,809
Debt Service	50,673
Transfers	1,725,754
Contingencies	612,561
TOTAL WATER OPERATING FUND APPROPRIATIONS	4,977,797

WATER CAPITAL

Capital Outlay	2,372,359
Transfers	5,000
TOTAL WATER SYSTEM REPLACE CAPITAL RESERVE FUND APPROPRIATIONS	2,377,359

SDC WATER REIMBURSEMENT

Capital Outlay	463,876
TOTAL SDC WATER REIMBURSEMENT FUND APPROPRIATIONS	463,876

SDC WATER IMPROVEMENT

Capital Outlay	229,787
TOTAL SDC WATER IMPROVEMENT FUND APPROPRIATIONS	229,787

SEWER OPERATING

Sewer Utility Maintenance	3,805,633
Debt Service	55,087
Transfers	1,211,480
Contingencies	926,345
TOTAL SEWER OPERATING FUND APPROPRIATIONS	5,998,545

SEWER CAPITAL

Capital Outlay	2,143,955
Transfers	5,000
TOTAL SEWER SYSTEM REPLACE CAPITAL RESERVE FUND APPROPRIATIONS	2,148,955

SDC SEWER REIMBURSEMENT

Capital Outlay	1,114,258
TOTAL SDC SEWER REIMBURSEMENT FUND APPROPRIATIONS	1,114,258

SDC SEWER IMPROVEMENT

Capital Outlay	134,128
Transfers	52,568
TOTAL SDC SEWER IMPROVEMENT FUND APPROPRIATIONS	186,696

SEWER BONDS

Debt Service	1,733,020
TOTAL SEWER BONDS FUND APPROPRIATIONS	1,733,020

WATER BONDS

Debt Service	480,563
TOTAL WATER BONDS FUND APPROPRIATIONS	480,563

TOTAL APPROPRIATIONS, ALL FUNDS	\$ 58,255,723
TOTAL UNAPPROPRIATED AMOUNTS, ALL FUNDS	\$ 6,563,144
TOTAL ADOPTED BUDGET	\$ 64,818,867

IMPOSING THE TAX

BE IT RESOLVED, that the City Council of the City of Lincoln City hereby imposes the taxes provided for in the adopted budget at the rate of \$4.0996 per \$1,000 of assessed value for operations; and in the amount of \$1,603,710 for bonds; and that these taxes are hereby imposed and categorized for tax year 2020-21 upon the assessed value of all taxable property within the district as follows:

CATEGORIZING THE TAX

General Government Limitation

Excluded From Limitation

General Fund \$4.0996/\$1,000
Debt Service Fund

\$1,603,710

The above resolution statements were approved and declared adopted on this 8th day of June 2020.

DICK ANDERSON, Mayor

ATTEST:

CATHY STEERE, City Recorder

Council Communication

Resolution 2020-14: Supplemental Budget for FY2019-20

Meeting Date:	June 8, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 Minutes

Authority:

ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning.

Background:

This resolution would provide an additional \$200,000 to the COVID-19 Aid package. The \$200,000 would come from General Fund contingency and would be transferred to the Explore Lincoln City fund. An update will be given at the City Council meeting regarding grants the City has applied for to reimburse some of our COVID-19 expenses.

Council Options:

1. Approve Resolution 2020-14.
2. Modify Resolution 2020-14.
3. Don't approve Resolution 2020-14.

Attachments:

Resolution 2020-14 - Supplemental Budget FY2019-20 (DOC)

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RESOLUTION 2020-14

A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2019-2020, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

WHEREAS, ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning; and

WHEREAS, the publication of the supplemental budget was given in the manner provided in ORS 294.311;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln City as follows:

Section 1. That it hereby adopts the supplemental budget for 2019-2020, and is now on file in the office of the Finance Director.

Section 2. BE IT FURTHER RESOLVED that the additional amounts for the fiscal year ending June 30, 2020, for the purposes shown below are hereby appropriated as follows:

SEE EXHIBIT "A"

This resolution shall be effective upon passage.

PASSED AND APPROVED by the City Council of The City of Lincoln City this 8th day of June 2020.

DICK ANDERSON, Mayor

ATTEST:

CATHY STEERE, City Recorder

1

EXHIBIT A

2

SUMMARY OF SUPPLEMENTAL BUDGET

FUND: GENERAL FUND

Resource	Amount	Requirement	Amount
1		1 Transfers Out	200,000
2		2 Contingencies	-200,000
Revised Total Resources	16,798,178	Revised Total Requirements	16,798,178

Comments:

To transfer money to ELC for additional COVID-19 Aid

FUND: EXPLORE LINCOLN CITY

Resource	Amount	Requirement	Amount
1 Transfers In	200,000	1 Materials and Services	200,000
Revised Total Resources	4,722,385	Revised Total Requirements	4,722,385

Comments:

To provide additional appropriation for COVID-19 Aid Package

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Council Communication

Acquisition of Real Property Taft Elementary Property

Meeting Date:	June 8, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Question:

Should the City Council approve entering into a Purchase and Sale Agreement with the Lincoln County School District for acquisition of the former Taft Elementary School Site, subject to conditions as stated therein?

Staff Recommendation:

Staff recommends Council approve and authorize the execution of the agreement by the Mayor. Staff also recommends that Council delegate the signing of all other documents related to this agreement to the City Manager and the City Attorney.

Authority:

ORS 223.005 & Lincoln City Charter

Background:

At the February 9, 2015 Council Meeting, the City Council made a motion to authorize the purchase of the former Taft Elementary Site based on the terms outlined in a January 7, 2015 letter from former City Manager David Hawker to Rich Belloni from the Lincoln County School District. A contract was promptly drafted and provided to the School District. The School District rejected the contract terms – primarily due to requested representations concerning environmental conditions on the property, but also with respect to title conditions.

Revisions to the contract were circulated. A level one environmental assessment was completed (without a contract) but a level two environmental assessment was put on hold as the contract was never executed. The parties stalled in their discussions while the process for the Department of Environmental Quality to issue a “no further action” letter was followed to completion.

The proposed contract has been separately transmitted to the City Council. If Council desires to discuss the contract, Council may conduct an executive session pursuant to ORS 192.660(2)(e) (real property transactions).

Council Options:

1. Motion to approve purchase and sale agreement, authorize the Mayor to sign and delegate the signing of all other necessary documents to the City Manager and City Attorney;
2. Motion to schedule [or recess to] an executive session to discuss real property transactions ORS 192.660(2)(e), (proposed Taft purchase and sale agreement)..
3. Continue discussion to a future meeting, work session, or executive session for discussion.
4. Do not approve the acquisition.

Council Communication

COVID-19 Update

Meeting Date:	June 8, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

The intent of this agenda item is to provide an update on the COVID-19 pandemic.

1. Reopening

- a. State Guidelines – On 6/3/2020 the Governor’s office provided reopening guidance for zoos, museums and gardens; indoor and outdoor entertainment facilities; restaurants and bars; and, swimming pools, spas and courts. (I’ve attached the State guidelines for swimming pools.
 - b. Community Center – It’s our intent to open the Community Center when the County moves into phase 2. We’ve prepared a reopening plan and we’re comparing it against the above mentioned guidelines
 - c. Library – The Library has begun curbside reopening and will expand it’s opening when the County enters phase II. (I’ve attached the Library’s reopening plan.)
 - d. This municipal court was reopened this week.
 - e. Roads End State Park – The State Parks & Recreation department informed us that they will open Roads End State Park on June 5, 2020.
2. Phase II – 20 counties applied for phase 2 reopening. Lincoln County wasn’t one of the Counties. The Counties that applied are Baker, Columbia, Coos, Crook, Deschutes, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lane, Linn, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wheeler.
 3. Economic Aid Package – Explore Lincoln City is meeting with recipients of the City’s economic aid package. Explore Lincoln City will provide you with an update.

4. 24 Hour Rule – We sent clarification about the 24-hour rule to the lodging businesses. You received correspondence from some owners who have additional comments.
5. Enforcement – Chief Palmer will provide an update as to enforcement of the State, City and County regulations.

Attachments:

State Guidance for swimming pools - spas - sports courts 6-3-2020 (PDF)

Driftwood Public Library Services Staged Plan 5-29-2020 (PDF)



500 Summer St NE E20
Salem OR 97301
Voice: 503-947-2340
Fax: 503-947-2341

Phase Two Reopening Guidance

Sector: Licensed Swimming Pools, Licensed Spa Pools and Sports Courts

Specific Guidance for Licensed Swimming Pools, Licensed Spa Pools and Sports Courts

Phase 2 Reopening Guidance – Licensed Swimming Pools, Licensed Spa Pools and Sports Courts

This guidance applies to both general- and limited-use pools and sports courts in counties approved for Phase 2.

There are two types of licensed pools in Oregon: general use and limited use.

- General-use pools are typically larger facilities such as municipal swimming pools or community center pools.
- Limited-use pools are operated in connection with a companion facility, such as an apartment complex, hotel/motel, private club, association or organizational camp where the pool is limited to residents, patrons or members.

Sports courts are both public and privately-owned facilities for use of sports. Sports that involve participants coming into bodily contact are prohibited to be played on sports courts.

Operations:

Pool and sport court operators are required to:

- Review and implement the [Oregon General Guidance for Employers on COVID-19](#).
- Prohibit workers with any of the COVID-19 symptoms (fever, cough, shortness of breath, etc.) from working or entering premises.

Prohibit visitors with any of the symptoms associated with the COVID-19 virus from entering the premises. If a visitor has symptoms of COVID-19, staff must ask them to leave the pool, provide the visitor with a face covering or mask, and help the visitor minimize their contact with staff and other visitors before exiting the facility. Immediately disinfect all areas used by the sick visitor.

- Post [clear signs](#) listing COVID-19 symptoms, asking staff and visitors with symptoms to stay home, and listing who to contact if they need assistance. Operators may post warning signs in visible locations of how to stop the spread of COVID-19 virus (including the sharing of items such as goggles, and other hard to clean items).

- Require employees to practice healthy hygiene to reduce the spread of COVID-19 including washing their hands frequently and covering their sneezes and coughs.
- Ensure equipment is in good condition, according to any applicable maintenance and operations manuals and standard operating procedures.
- Close water fountains, except for those designed to refill water bottles in a contact-free manner. Water bottles may not come into contact with the water fountain.
- [Use signs](#) to require physical distancing throughout facility, including but not limited to reception areas, eating areas and near bathrooms.
- Require staff (including lifeguards¹) to wear a [mask, face covering or face shield](#) when NOT in the water.
- For spa pools, limit the use of the pool to one household unit at a time. Operators may consider scheduling reservations in 15-minute increments.
- For sports courts, frequently clean and disinfect shared equipment. This includes, but is not limited to, equipment such as bats, balls and rackets. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARS-CoV-2 virus that causes COVID-19.
- For sports courts, prohibit sports that involve participants coming into bodily contact with one another.

Distance and Occupancy:

Pool and sport court operators are required to:

- Maintain physical distancing of at least six (6) feet between people.
- Inform visitors that members of the same party can participate in activities together and do not have to stay six (6) feet apart.
- Assign a physical distancing monitor to ensure compliance with all distancing requirements, including at entrances, exits, restrooms and any other area where people may gather.
- Develop a plan to limit the number of visitors admitted into the pool and/or sport court area so that six (6) feet of physical distancing can be maintained. Operators may consider requiring reservations to limit the number of individuals in the pool area.
- Alter pool deck layouts to ensure visitors and staff can keep six (6) feet of physical distance.
- If using the pool for lap swim, only allow one lap swimmer per lane

¹ The [Oregon Administrative Rules](#) that regulate pools in Oregon have different requirements for each type of pool. For example, most limited use pools do not require a lifeguard. If your facility is not required to have a lifeguard, you may disregard that part of the guidance.

Cleaning and Disinfection:

Pool and sport court operators are required to:

- Thoroughly clean all areas of pool and sport courts prior to reopening after extended closure.
 - Specifically, for pools:
 - ◆ Prevent Legionella: If a facility has been closed for a prolonged period:
 - Flush your water system, both hot and cold water. The purpose of flushing is to replace all water inside building piping with fresh water.
 - Flush until the hot water reaches its maximum temperature.
 - Care should be taken to minimize splashing and aerosol generation during flushing.
 - Other water-using devices, such as ice machines, may require additional cleaning steps in addition to flushing, such as discarding old ice. Follow water-using device manufacturers' instructions.
- Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus.
- Frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by staff and visitors, including counters, tables, lounge chairs handrails, door handles, water fountains, showers, pool toys and other commonly touched surfaces.
- Regularly clean restrooms and ensure they are supplied with soap, paper towels and hand sanitizer for planned use.
- Ensure hand sanitizer is available at locations around the facility for both staff members and visitors.
- Have maintenance staff or a pool maintenance company regularly check the pool recirculation equipment for proper operation and disinfectant levels prior to the opening of the pool.
- Prohibit lifeguards **Error! Bookmark not defined.** from cleaning and sanitizing while on duty.

Locker Rooms:

Pool and sport court operators may choose to:

Allow swimmers to utilize the locker room before and after swimming.

If locker room use is allowed, pool and sport court operators are required to:

- Develop a plan to limit the number of individuals using showers and changing rooms at the same time.
- Focus on keeping at least six (6) feet of physical distance between people, which is approximately 30 square feet per person.
- Use the total square footage of the locker room to determine the maximum occupancy of the locker room.
- Assign a physical distancing monitor to ensure visitors follow all physical distancing requirements, including at entrances, exits, restrooms and any other area where people may gather.

Additional Resources:

- [OHA Guidance for the General Public](#)
- [OHA General Guidance for Employers](#)
- [Mask and Face Covering Guidance for Business, Transit, and the Public](#)
- [Example signs you can post](#)

For individuals with disabilities or individuals who speak a language other than English, OHA can provide documents in alternate formats such as other languages, large print, braille or a format you prefer. Contact Mavel Morales at 1-844-882-7889, 711 TTY or OHA.ADAModifications@dhsoha.state.or.us.

DRAFT Driftwood Public Library Services Return to Work/Library Re-Opening Plan (Updated May 29, 2020)

PHASE 0:

Library building closed to public.

- Some staff work in the building according to set schedule, observing physical distancing best practices.
- Providing limited reference, handling mail, processing materials, taking care of fiscal, personnel, and statistical tasks.
- Staff who can work from home do so.
- Conduct virtual programming and online/phone reference.
- No physical circulation of items.

Remain at Phase 0 until state and local authorities relax strictures regarding gathering sizes and “stay home, stay healthy.”

PHASE I:

Library building closed to the public. Curbside take-out service available.

- Most staff transition back to working in the building
- Collections work caught-up (shelving, cataloging)
- Staff who can continue working from home do so. Maintain social distancing among staff.
- Some public services restored OUT OF BUILDING – curb side delivery/pick-up of library collection materials
- Possible home deliveries
- Online/phone reference services continue
- Interlibrary loan services restored when courier service restarts.
- Book drop reopens when safe handling is deemed possible.
 - **Pre-requisites:**
 - Sufficient gloves and cloth masks for staff who are distributing items curbside.
 - Book drop reopens when additional drop box bins arrive.
 - **Precautions:**
 - Library returns left in drop box bin for 72 hours before being handled by library staff.
 - Items with mylar/plastic coverings wiped as they are returned.
 - High touch surfaces cleaned hourly.

PHASE II:**Building reopens to the public with limitations.****Stage 2a:**

- Sneeze guards installed at circulation desk.
- Desk staff available to troubleshoot account issues; lines on carpeting to keep patrons 6 feet from desk.
- Virtual reference and interlibrary services continue.
- Volunteers who are comfortable doing so return to shelving and processing duties provided sufficient gloves/masks, scheduled to limit number of people in the building at any given time.
- Computer time available by appointment.
- Curbside service continues.
 - **Pre-requisites:**
 - Sufficient gloves and face coverings for all staff and volunteers who are handling materials or interacting with the public.
 - Sneeze guards installed.
 - Phone headsets for staff.
 - Medical covers for keyboards, mice, and phone at circulation desk.
 - Medical covers or washable keyboards for public computers.
 - Method for scheduling computer appointments.
 - **Precautions:**
 - High-touch surfaces (door handles, countertops) cleaned hourly.
 - Computer workstations cleaned after every use.
 - Volunteer work surfaces (if volunteers have returned) cleaned after every shift.
 - Touch screens cleaned after each use.

Stage 2b:

- LIBRARY OPEN to public with EXTRA PRECAUTIONS and provided adequate public area sanitation supplies are available.
- All library services for the general public are provided on a limited schedule to allow for enhanced cleaning, social distancing accommodations in place such as moving public seating and computers 6 feet apart.
- Computer time remains by appointment so that sanitation can take place between users.
- Reading Room and Children's Area remain closed except to browsers (no seating, toys, or programming).
- Curbside service continues by patron request.

- **Pre-requisites:**
 - Adequate gloves and sanitation supplies.
 - Consider replacing upholstered furniture with items that can be sanitized.
- **Precautions:**
 - Continued sanitizing of high-touch surfaces hourly.
 - Computers sanitized after every use.
 - Library tables and chairs wiped down hourly.
 - 2/3 of public computers marked as out of service or removed, to create appropriate physical distancing (4 computers open).
 - Some seating removed to storage to ensure appropriate distancing in Reading Room and other library seating areas.
 - Number of patrons allowed TBD by state recommendations for gathering sizes.

Stage 2c:

- LIBRARY OPEN to public for browsing and seating. No toys, programming, or Fischer Room use.
- Fischer Room remains closed to the public.
- Community Room available to small group meetings, with standards for physical distancing. Sanitizing tables, chairs, and Community Room door handles completed after every group use.

PHASE III:

Stage 3: All typical library programs restored, including programming and meeting room use by the public. Programs limited in size depending on recommendations from state and local officials.

Council Communication

City Council Meeting Scheduling

Meeting Date:	June 8, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

I received requests from City Councilors to add to a City Council agenda a discussion about a municipal court. It wasn't possible to put this on the June 8th agenda in as much as all of the material hasn't been prepared. It was also suggested that we schedule a work session to discuss this topic.

The intent of this agenda item is to ask the Council how and when they would like to proceed with this topic.