CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY AUGUST 10, 2020 6:00 PM

6:00 PM - The Lincoln City Council meeting for August 10, 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 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

1. Regular Meeting – Minutes of Regular Meeting – July 27, 2020 6:00 PM

E. COUNCIL DELIBERATIONS

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

G. PRESENTATIONS

2. Economic Development: Report - RARE (Resource Assistance for Rural Environments) Program 2019-20 Service Year with Jodi Mescher
3. Economic Development: Underutilized Property Survey - Project Report

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

1. ORDINANCE NO. 2020-20 AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED
2. ORDINANCE NO. 2020-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34
3. ORDINANCE NO. 2020-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS
4. ORDINANCE NO. 2020-10 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (RC) ZONE), SECTION 17.28.040(B) (F.)& (J); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.)(U) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.
5. ORDINANCE 2020-16 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS and WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTIONS 9.08.050 AND SECTIONS 9.08.055.

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

6. City Council Vacancies
7. Appointment to Sustainability Committee - Applicant Michael Edwards
8. AMENDMENT 6 TO MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND CITY OF LINCOLN CITY, STATE OF OREGON
9. ANNEX 2020-01 and CPA & ZC 2020-02 - Continue to August 24, 2020
10. Residential Parking Restrictions
11. COVID-19 Update

M. CITY MANAGER/CITY ATTORNEY REPORTS

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

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

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

July 27, 2020, 6:00 PM

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

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Anderson called the meeting to order at 6 p.m.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Late	6:42 PM
Diane Kusz	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Excused	6:00 PM

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Alison Robertson, Urban Renewal and Economic Development Director; Jodi Mescher, Economic Development Coordinator; Debbie Bridges, Finance Director; Stephanie Reid, City Engineer; Abigail Donowho, Human Resources Supervisor; Richard Townsend, Interim Planning Director; David Twigg, I.T. Support Specialist.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was skipped as this meeting was held remotely.

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – July 13, 2020 6:00 PM

Mayor Anderson noted the vote result listed for Resolution 2020-02 was incorrect. It should have been a 4-3 vote. Instead, it was listed as a 5-2 vote. Councilor Parsons voted "Nay", not "Aye". Councilor Mark noted the word "subsidizing" was mistyped as "subsiding" twice.

MOTION:	**Motion to Approve the Minutes from July 13, 2020, with changes.**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Judy Casper, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

E. COUNCIL DELIBERATIONS

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

2. Public Comments

Mayor Anderson reminded the public that public comments could be emailed to publiccomment@lincolncity.org, or public comments could be made in the Council Chambers during the meeting.

Mr. Chandler read a summary of public comments pertaining to COVID-19, 4th of July fireworks, Pickleball, Police service, and the renaming of The Villages at Cascade Head. All comments not included with the July 27, 2020 agenda packet will be attached to these minutes once they are approved by Council.

G. PRESENTATIONS

3. Lincoln City Cultural Center 2020 Annual Report

Niki Price, Lincoln City Cultural Center Executive Director, presented Powerpoint slides to Council. Ms. Price discussed the Cultural Center's performance during 2019, the first quarter of 2020, including programs and actions taken during the COVID-19 pandemic, and the Cultural Center's plans to adapt and move forward beyond COVID-19.

During 2019 the Cultural Center hosted 344 events, including 128 performances and 30 visual arts events. 43,741 patrons attended these events- a slight uptick from 2018.

Building upgrades were also made in 2019, including the windows on the west side. The HVAC system was improved and technological improvements were made to the theater.

Program revenue and income in 2019 was about the same as in 2018. The Cultural Center received more donations in 2019 compared to 2018- approximately 2 / 3 of these donations are restricted for the Cultural Plaza capital project. 2019 expenses increased compared to 2018.

The Cultural Center has received the necessary $250,000 in donations to start the Cultural Plaza project.

At the end of 2019 the Cultural Center balance sheet was healthy. Ms. Price noted $400,000 of Cultural Center assets are restricted for the Cultural Plaza project.

The first quarter of 2020 was very successful. The musical "We the People" was seen by every school class in Lincoln City from grades 3 - 8.

Once COVID-19 started, the Cultural Center initially ramped up cleaning and sanitizing procedures and cancelled some programs. Then, they faced full closure. The Cultural Center was closed to the public from March 17 until May 31. The Cultural Center is now open to the public and is following all state and County recommendations.

COVID-19 has had serious consequences for the Cultural Center. The Cultural Center depends on personal connection and hands-on learning, and these are very difficult at this time. The hardest loss to day-to-day operations was the closing of the Lincoln City Visitor Information Center, which also led to the Cultural Center Gift Shop closing. Yoga and other classes and workshops have been suspended.

During closure, 4 staff members were laid off and others worked reduced hours. With the help of a PPP loan all staff were reinstated. Since reopening on June 1, one staff member has been laid off permanently and other payroll costs are at about 60% of what they were prior to COVID-19. Volunteering is about 10% of what it was prior to COVID-19.

During COVID-19, The Cultural Center did Creative Quarantine programs, assembling and distributing 2,600 art kits via drive-through to local children over a 9 week period. Artists and musicians were also given the opportunity to perform on the Cultural Center Facebook Page via a Creative Quarantine program.

The Lincoln City Farmer's Market has reopened on Sundays. There's also a Tuesday night market, from 4 pm until 7 pm. The Cultural Center is starting a series of concerts called "Quarantunes" with a hybrid performance model of in-person and internet performances. The Cultural Center is renting studio space and is doing a pop-up Art project.

Looking into the future, the Cultural Center is looking for long-term solutions to meet their mission of cultural enrichment while keeping everyone safe. They look to invest in any performing or visual arts event that can be done in a socially distanced way. The Cultural Center is working on ways to allow students to access the building, including by appointment. The Cultural Center is concentrating on monthly rentals to artists and culturally compatible non-profits. During the next school year, teachers and parents will need new ways to provide art education, and the Cultural Center is well placed to help with this.

The Cultural Center did not receive the $1.5 million Lottery Bond funds that were necessary to start the Cultural Plaza project. The Cultural Center will reapply for those funds next year and they think they have a good chance of getting them.

Mayor Anderson said "Well Done". He advised that the City is glad to do what it can for the Cultural Center. Ms. Price has been a good steward and has done what she said she would do. The City understands the flexibility needed due to the pandemic and the City is there for the Cultural Center as we work out of this situation.

Councilor Hinton said she was shocked that the $1.5 million did not get to the Cultural Center. She encouraged Ms. Price to hang in there and thanked her for the presentation and update.

H. PUBLIC HEARINGS / PUBLIC COMMENTS

4. Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area

Elaine Howard from Elaine Howard Consulting used a Powerpoint to present to Council. Ms. Howard explained how Urban Renewal works in Oregon. Urban Renewal does not increase property taxes. It divides out property taxes that a property tax payer already pays.

Ms. Howard noted that many coastal cities in Oregon have Urban Renewal districts. Urban Renewal Districts have to be "blighted", but "blight" in this context means "underdeveloped or underused property" and "inadequate infrastructure".

Urban Renewal in Oregon is capped by "Maximum Indebtedness", which is the total amount of money that can be spent over the life of the project on projects, programs, and administration. Once Maximum Indebtedness is reached, the Urban Renewal district ends.

Ms. Howard displayed a hypothetical property tax bill to explain how Urban Renewal is funded. Ms. Howard explained how all properties in an Urban Renewal boundary are subject to tax reallocation - not just those in the active Urban Renewal District.

Jodi Mescher provided information on how this proposed project developed. A feasibility study of two different Lincoln City areas was performed in 2019. In April 2019, City Council approved the creation of a plan for further review - staff and Elaine Howard have been working on that since. Public input has been gathered. An advisory committee consisting of City, County and Tribal officials and two area residents met 4 times. 2 public forums were held- these were open to all Lincoln City residents and lots of input on potential projects was received. A briefing with the overlapping taxing districts was held to advise them of taxing implications. There have been 2 City Council briefings on the plan. Letters were sent to the overlapping taxing districts on May 6, 2020. The Urban Renewal Agency met on June 15, 2020 for final review of the plan, which was approved. The Lincoln City Planning Commission met and provided a recommendation- their comments are in the packet for this meeting. Finally, a meeting also took place with the Lincoln County Board of Commissioners.

Projects that will be accomplished by the new Urban Renewal District would fall under the following categories: Transportation, Economic Development, Parks, Trails and Open Space, Public Works / Utilities, Community Connections / Appearance, Emergency Preparedness, Resiliency and Mitigation and Plan Administration. Projects will be discussed and prioritized at Community Visioning meetings.

Ms. Mescher discussed how amending the plan would work, with substantial amendments having to go before the Urban Renewal Agency, Planning Commission, and the Lincoln County Board of Commissioners before going to City Council for final approval. Substantial amendments are those that increase the Maximum Indebtedness or increase the acreage within an Urban Renewal district.

Ms. Mescher discussed revenue sharing. In February 2020 the City Council made a voluntary decision to make a 15% underlevy of the total annual tax increment finance to decrease the impact of the new district on overlapping taxing districts. As the district would receive less revenue each year, the City Council decided to extend the plan from 25 years to 27 years.

Ms. Howard explained how the closure of the Urban Renewal Development Plan of 2000 will impact other local taxing districts. Other taxing districts will receive substantial revenue now that the 2000 plan is coming to a close.

Ms. Howard discussed projected impacts on other local taxing districts that would occur as a result of a new Urban Renewal district being established. She shared input received from other local taxing districts after the May 6, 2020 letter was sent. North Lincoln Fire and Rescue like the underlevy plan. They would like to see a shorter time frame for the district and would like to see less publicly owned property in the

district area. Ms. Howard said that the time frame and public property issues were presented to City Council in February and March 2020 and Council's response was to set up the 15% underlevy. North Lincoln Fire and Rescue also asked for an economic impact study bearing in mind the COVID-19 situation. Ms. Howard said that financial impacts of a new Urban Renewal district would not go into effect until fiscal year 2022, at which point more information regarding COVID-19 impacts should be available and Council would be able to make appropriate changes to the Urban Renewal district if necessary.

Lincoln County School District sent a letter in general support of the project.

Mr. Chandler read public comments that were received regarding the Urban Renewal area, starting with comments that were in the July 27 packet. Public Comments were also read from:

Michelle Reeves (asking for more time to consider this plan given the current economic situation and asking if the City could make URA funds available to businesses that are struggling)

Kevin Koffel (commenting on Nelscott changes, Olivia Beach appearance, a cap on VRD dwellings, VRD occupancy, the location of the proposed district, and calling for more clarity in the plan)

Michael Holden (a long-term City resident and former Mayor / City employee supporting the new proposed plan)

Joyce Sherman (comments that over urbanization will stop visitors coming to Lincoln City. Sidewalks don't constitute a trail. The charm of walking in a rural area will be gone with urbanization. Roads End isn't a blighted area. If blight is gravel roads and trees, please bring it on)

Fair Housing Council of Oregon and Housing Land Advocates (state that Urban Renewal proposed plan doesn't include Findings for Statewide Goal 10 regarding effects of the plan on the housing supply in Lincoln City. Concerned about single-family housing zoning patterns taking precedence over multi-family use. Concerned that rising property values created by district would conflict with affordable housing goals.)

Mayor Anderson asked Ms. Howard and City Attorney Appicello for their thoughts on the Fair Housing Council of Oregon public comment. Mr. Appicello said that he understood findings were not required since the establishment of this district is not changing zoning; however, he would be willing to draft findings with the proviso that second reading of the Ordinance could not be completed at this meeting. Ms. Howard said she thinks Council doesn't have to draft findings, but Council might want to so there's no possibility of an appeal.

Mayor Anderson asked about how an appeal would work. Mr. Appicello said that an appeal would stall the project. Ms. Howard said appeals go to the Land Use Board of Appeals and they take up a considerable amount of time. Mr. Appicello recommended performing first reading tonight and doing second reading later, with appropriate findings. This delays things by two weeks but an appeal could delay things by two months.

MOTION:	**Motion to Close the Public Hearing and the Record**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

POST MOTION DELIBERATIONS:

Councilor Hinton said her instinct is to have first and second reading of the Ordinance tonight. However, she understands the timing issues and can wait one meeting for second reading to allow Mr. Appicello time to write appropriate findings.

Councilor Mark appreciates the letters from past community leaders. They said that Urban Renewal works and the City has benefitted from it. Councilor Mark reviewed constituent concerns and says, again, this is not a tax increase. On the Housing issue, Councilor Mark agrees with Mr. Appicello and supports delaying second reading until August 10. Councilor Mark addressed the revenue that would be gained from this program and how it would apply to the economic impact of COVID-19. As the revenue is not a whole lot in the beginning, it wouldn't go very far in helping the COVID crisis. Once the revenue grows to a point where it could help, hopefully a vaccine will be found. Councilor Mark said that the Urban Renewal district will help with traffic issues raised by some objectors.

Councilor Casper would like to delay 2nd reading as well.

Mayor Anderson appreciates the public outreach that has been done. However, he expects that questions regarding how Urban Renewal works will be submitted frequently during the 27 year life of the new district. The funds generated will be one source of many that will make the projects happen. The City needs to leverage these dollars and find partners to improve the community.

I. ORDINANCES

5. ORDINANCE NO. 2020-20 AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

MOTION:	**Motion to Approve First Reading of Ordinance 2020-20**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Diane Kusz, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

6. ORDINANCE NO. 2020-10 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (GC) ZONE), SECTION 17.28.040 (F.); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.) AND 17.32.110 (E.); CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.060, TABLE 17.34.060.B; CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.040, TABLE TVC LAND USE ACTIVITY; CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS)

MOTION:	**Move Second Reading of Ordinance 2020-10 to August 10, 2020**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed by Unanimous Consent**

7. ORDINANCE NO. 2020-13 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING NUMEROUS CHAPTERS TO CONSOLIDATE AND ORGANIZE LANDSCAPING AND OFF STREET PARKING AND LOADING REQUIREMENTS

Mr. Appicello read changes made to cross-referencing of sections. Mr. Appicello advised that Councilor Hinton had contacted him about text that wasn't bolded in a table. Mr. Appicello will fix this. Councilor Hinton also asked why VRD parking was not in the table. Mr. Appicello said VRD parking has its own separate requirements but he doesn't see any harm with adding a cross-reference to that section.

MOTION:	**Motion to Approve Second Reading of Ordinance 2020-13 with the noted changes and adopt the Ordinance.**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

8. Request to Continue Second Reading to August 10, 2020 ORDINANCE NO. 2020-14 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

Mr. Appicello asked for this item to be continued to August 10 to give Interim Planning Director Richard Townsend time to review the ordinance.

MOTION:	**Postpone Second Reading of Ordinance 2020-14 to August 10, 2020**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed by Unanimous Consent.**

9. Continuance of Second Reading to August 10, 2020 ORDINANCE NO. 2020-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Mr. Appicello asked for more time so that Interim Planning Director Townsend could review the ordinance.

MOTION:	**Postpone Second Reading of Ordinance 2020-15 to August 10, 2020**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

10. Second Reading : ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS), AMENDING AND UPDATING CITY DEFINITIONS BASED ON CHANGES PROPOSED IN THREE OTHER ORDINANCES 2020-10, 2020-13, and 2020-14

Mr. Appicello said that Councilor Hinton had requested that the term "Common Open Space" be changed to "Common Use Space". Mr Appicello suggested "Common Area" instead. Councilor Hinton liked that change.

Mr. Appicello asked Councilor Mark about his comment regarding Day Care Centers. Councilor Mark said that Mr. Appicello's solution (referring to the State of Oregon) solved the issue.

Councilor Hinton said that Corbel's do not have to come out of a masonry wall. They can come out of wood or brick walls as well. Mr. Appicello said he would fix that.

Councilor Casper stated that Variances are only reviewed by the Planning Commission. Mr. Appicello suggested adding language clarifying that but also giving the option to designate to another review board / authority if necessary. Council were satisfied with the designee option after they asked clarifying questions of Mr. Appicello.

Councilor Mark noted terms on page 466 of the packet were not in alphabetical order. Mr. Appicello said he would correct that.

MOTION:	**Motion to Approve Second Reading of Ordinance 2020-17 and adopt the Ordinance as read**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Diane Kusz, Councilor Ward 2**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

11. ORDINANCE 2020-18 AN ORDINANCE OF THE CITY OF LINCOLN CITY PROVIDING FOR THE LEVY OF FINAL ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IMPROVEMENT PROJECT KNOWN AS THE "SW BARD ROAD SANITARY SEWER LOCAL IMPROVEMENT DISTRICT" SAID LID FORMED BY RESOLUTION 2019-26; FIXING AND SPREADING SAID FINAL ASSESSMENT AMOUNTS AGAINST BENEFITTED PROPERTIES WITHIN THE DISTRICT

Mr. Appicello advised that he had changed the language to reflect options for deferral of potential units. However, Finance and Public Works are not in favor of deferral. Mr. Appicello asked Council if they were in favor of deferral?

Mayor Anderson asked Stephanie Reid, City Engineer, about deferrals on previous LID's. Ms. Reid advised that one deferral was done on the NE 36th LID. The impacted piece of property was very large compared to others in the LID and LID payments would have been around $2,000 a month.

Ms. Reid advised that Bard Road was a more equally distributed LID and that staff thought everyone should pay the assessed amount.

Debbie Bridges, Finance Director, advised that Finance wasn't in favor of deferring payments because the fund is used for future LID's. If the City doesn't get paid back it can't do LID's in the future. Also, long deferral periods are hard to enforce.

FAILED MOTION
Councilor Mark moved to Approve Ordinance 2018-18 removing the deferral language. No second to this motion was made, so the motion died.

FAILED MOTION
Councilor Hoagland moved to Approve Ordinance 2018-18 with the deferral language. No second to this motion was made, so the motion died.

Councilor Casper asked if hardship cases could be approved if the deferral language is removed? Mr. Appicello said only the Ordinance gives the option to defer.

Discussion was held regarding how LID liens work. Triggers for payment include sale of property or death of property owner. Other triggers include septic tank replacements or development of property.

Councilor Mark asked about if someone wanted to develop less than they were entitled to. Mr. Appicello said that the City assesses LID charges based on the highest development potential for a lot. A property owner can come forward with a development agreement proposing less units and then the City can agree to charge the property owner less. However, the lot is then permanently bound by those development conditions. No-one in the Bard Road area came forward with any such development agreement during this project.

MOTION:	**Motion to Approve Second Reading of 2020-18, removing the deferral language**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Judy Casper, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Hoagland, Kusz, Mark
EXCUSED:	Parsons
RESULT:	**Passed**

J. RESOLUTIONS

K. SPECIAL ORDER OF BUSINESS

12. Villages at Cascade Head Renaming

Councilor Hinton presented this item. A subcommittee reviewed survey results and consulted with the Siletz Tribe.

The subcommittee put forward two names: The Villages at Elk Ridge and The Villages at Sitka Woods.

The committee didn't have a strong preference between these two names.

The subcommittee also suggested keeping the current name for The Knoll.

Mayor Anderson asked if this would be a dba. Mr. Appicello said that he didn't know if the City needed to do a dba but it could do that for homeowner's association purposes. There would be more formal processes to go through to change the name for plat maps. This process is not the "formal" change. Councilor Hinton suggested changing the name formally when a new masterplan for the area is filed.

Mayor Anderson likes Sitka Woods.

Councilor Kusz likes both options but prefers Sitka Woods as she feels the elk will leave the area after it is developed.

Councilor Mark likes Sitka Woods. Councilor Mark asked whether the word "the" should be capitalized in "The Villages at Sitka Woods". Councilor Mark would not capitalize the "The" in "the Knoll".

Councilor Casper prefers Sitka Woods because, like Councilor Kusz, she thinks the elk will leave the area once developed.

Councilor Hinton reported that committee members Councilor Parsons and Laurel Barton were fine with either name. Councilor Hinton likes Sitka Woods.

Councilor Hoagland likes both names. Councilor Hoagland wonders why we are doing this now? He feels that only 55 responses to the survey is not enough for this process. Of the two names, Councilor Hoagland prefers Sitka Woods. However, he doesn't want to vote for this at this point since it's not formal. Councilor Hinton says changing the name is a step in the right direction to get the project started.

Councilor Mark said that "The Villages at Cascade Head" name has been in place for a long time, and nothing has happened there. Perhaps there will be a psychological nudge forward by changing the name? Mayor Anderson agreed.

Mayor Anderson asked:

1. Is Council ready to change the name?
2. If so, should it be changed to The Villages at Sitka Woods?

Councilor Hoagland disagreed with changing the name now. All other Councilors agreed to change the name now.

All councilors agreed with the Sitka Woods name.

Councilors agreed to keep the "T" capitalized in "The Villages".

MOTION:	**Motion to change the name of The Villages at Cascade Head to The Villages at Sitka Woods**
MOVER:	**Diana Hinton, Councilor Ward 1**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Anderson, Casper, Hinton, Kusz, Mark
NAYS:	Hoagland
EXCUSED:	Parsons
RESULT:	**Passed**

13. Performance Review Process for Employees of the City Council

Abigail Donowho, Human Resources Supervisor, presented this item. Ms. Donowho is seeking Council's approval of performance review processes for Council's employees- the City Attorney, City Manager, and Municipal Court Judge.

Councilor Casper said that Councilors could benefit from training from HR staff regarding evaluation techniques. Councilor Casper said the International City/County Management Association (ICMA) recommend that staff perform self-evaluations. Councilor Casper likes that idea, along with more communication and discussion between staff and Council.

Councilor Hoagland said he would like to alter the timing of evaluations to avoid newly-elected councilors having to evaluate employees. If Councilors are leaving, they should evaluate staff before they leave since their evaluation will be more relevant than that from a newly-elected councilor.

Councilor Hinton doesn't like the City Manager form as it only has 3 options to grade performance, with no numbering. Councilor Hinton prefers 5 grading options, and prefers the number system of grading since you can gather averages that way.

Councilor Mark also likes the numbering system, with 5 grading options. Councilor Mark asked if evaluations should be at the end of the year rather than the beginning of the year to avoid the problem Councilor Hoagland brought up? Mayor Anderson said that staff hire date and fiscal year considerations should be taken into account. Abigail Donowho said there's nothing specific about what month an employee should be evaluated, so that can be redefined if Council wishes.

Councilor Casper suggested that employees provide anonymous input to the Council. Councilor Hoagland agreed with Councilor Casper.

Mr. Chandler said that he would like a fiscal year evaluation period, in particular August / September. January is right in the middle of budget season. He likes Councilor Casper's ideas about more discussion. Mr. Chandler prefers more frequent evaluations. One of the hardest things for Mr. Chandler to ascertain is whether Councilors are getting enough information for their personal needs. Mr. Chandler doesn't have a preference on the numbering / grading system. He would not support an anonymous survey of employees. He would support Council speaking directly to employees.

Mr. Appicello is OK with his current form. He said he's overdue for an evaluation- his evaluation was due in February. He agrees with Councilor Hoagland about not having brand new councilors review the performance of staff. Mr. Appicello agrees with Mr. Chandler about anonymous polling of staff.

Councilor Casper will work with Abigail Donowho to revise the forms and bring them back to Council for final approval. Mr. Appicello will share the International Municipal Lawyer's Association evaluation forms with Ms. Donowho.

Ms. Donowho asked about the Judge's evaluation? Mayor Anderson said there aren't many criteria. Councilor Casper said that she doesn't think Council has given the Judge sufficient direction. Mayor Anderson says the Judge position is hard to evaluate.

14. West Devils Lake Road Temporary Closure

Stephanie Reid, City Engineer, presented this item. From August 17 through August 31, one lane of West Devils Lake Road will be closed and flaggers will control traffic. From August 31 through September 21, the road will be closed. Detours are to the north, so Holmes Road or Highway 101 will be the only ways to get to the north end of West Devils Lake Road.

Staff will send out letters to affected property owners the week of July 27. The will also include Holmes Road residents. The letter will ask people to use Highway 101 instead of Holmes Road. The notice for the road closure is on the City website.

Mr. Chandler confirmed Council didn't need to take action on this item. He has authority to order the road closure. Mr. Chandler just wanted to bring this matter to the public's attention one more way.

Councilor Hinton asked what she should say to constituents with questions. Mr. Chandler asked that Council include a map when they contact constituents.

Councilor Kusz asked if a sign could be put up advising that the road will be closed. Mr. Chandler said the City could use the readerboard sign for this. Signs will also be placed on Highway 101 and at NE 14th.

15. COVID-19 Update

Mr. Chandler said that people have asked about Pickleball and playgrounds. These are Phase 2 items that can't take place in Phase 1 of reopening, which Lincoln County is in currently.

Mr. Chandler said the CIty is getting asked about the state mandate of 10 people in a gathering and how it pertains to the lodging industry and Vacation Rental Dwellings (VRDs). A note was sent to the Governor's office to ask how the City should handle this issue. The Governor's office responded that short-term lodging providers should, to the best of their ability, only rent to members of the same household who are congregating together. More than 10 individuals who gather at a house who are not in the same household are in violation of this guidance.

Mr. Chandler said licensing has also helped with enforcement. 336 VRDs in the City have occupancy limits of 10 or less. 210 VRDs have occupancy limits between 10 and 16.

The October 2020 League of Cities conference has been cancelled. There will be a 2 day virtual meeting instead.

The City applied for the second round of CARES funding. The City had earlier applied for and received $149,537. That leaves $258,537 that is eligible for the City between now and the end of the year. An application has been made for $109,000 that will be deposited into the general fund. That will leave $149,537 that the City can apply for before the end of the year.

Lincoln County Commissioners met on July 27. RE: Phase 2 reopening- Director Austen (Lincoln County Health and Human Services) recommends waiting another 2 or 3 weeks before applying to enter Phase 2. Lincoln County is close, but doesn't meet all of the criteria for Phase 2 reopening.

Mr. Chandler said that family gatherings are leading to many of the COVID-19 cases we are seeing in Oregon.

Councilor Hinton asked if Weston Fritz (Planning staff member who specializes in VRDs) will be sending a letter to property management companies and owners who have homes with occupancy limits over 10? Mr. Chandler said that we would do that, and also send the letter to OSHA.

Councilor Mark asked how we follow up on our letters. Do we audit? Drop in by surprise? What do we do if they aren't complying? Mr. Chandler said complaints and calls are the best way to follow up. The Police are spot checking as they can. Mr. Chandler said that staff are looking at what is being advertised, and have found several VRDs that are being advertised as being able to host more people than they are permitted to.

Mayor Anderson advised the public to call the non-emergency PD number - 541-994-3636 - with complaints. If it's a police matter, police will be dispatched; VRD matters will be sent to Mr. Fritz for follow up.

Councilor Mark asked about businesses enforcing face covering / mask requirements. If someone wearing a mask is in a shop and someone without a mask comes in and the business owner does nothing about it, who should you contact? Mr. Chandler said people could call the non-emergency PD line or, if they go to the City's Facebook page, they can find a link to contact a state agency (OSHA).

L. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Chandler said he will invite Council to review the re-opening plan for the Lincoln City Community Center.

Mr. Chandler said that he will send Council an update on City projects on Friday July 31.

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

Councilor Hinton asked if Mr. Chandler would be discussing the 4th of July with Council? Mr. Chandler said he would.
Councilor Hinton also brought up the idea of parklets. Restaurants could bring tables and chairs outside which would help during this time.

Councilor Casper would like the Skate Park to open.

Councilor Casper asked about on-street parking permits. Mr. Chandler needs to discuss with the City Attorney. Mr. Chandler thinks he can get this item on the next Council agenda.

Councilor Casper went through the League of Oregon Cities legislative priorities. The City will send the list of priorities to the League of Oregon Cities by August 7.

Mayor Anderson reminded the public that it is election season. 3 City Council positions are up for election. Election packets can be picked up from City Hall. David Twigg, I.T. Support Specialist, or Tony LaSoya, I.T. Director, can provide the public with election packets.

P. ACTIONS, IF ANY, BASED ON WORKSESSION, EXECUTIVE SESSION OR CITIZEN COMMENT

Q. ADJOURNMENT

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Council Communication

Economic Development: Report - RARE (Resource Assistance for Rural Environments) Program 2019-20

Meeting Date:	August 10, 2020	Primary Staff Contact:	Alison Robertson
Department:	Urban Renewal	E-Mail:	alisonr@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 Min

Objective

For City Council to hear an update from staff on the 2019-20 RARE Service Year accomplishments.

Background

Resource Assistance for Rural Environments (RARE) is an AmeriCorps program administered through the University of Oregon's Institute for Policy Research and Engagement. Each participating community provides $23,500 to help place, train, and support a full-time RARE member.

This is the second time the City has partnered with the RARE program. The first RARE participant, Alexandra Roberts Bullock, was through the City's Urban Renewal Agency and served 11 months in 2007 – 2008. Alexandra was instrumental in planning the 2008 Cutler Community Vision Charrette and Plan, which outlined the project opportunities for public and private redevelopment.

This time, Jodi Mescher (RARE AmeriCorps participant) began her term of service in Lincoln City on September 9, 2019 ending on July 31, 2020. The position for the RARE participant included work in a supportive and sometimes a lead role, on four economic development projects in conjunction with community partners, consultants, and city staff cross-departmentally. These projects spanned historic preservation, brownfield redevelopment, economic development tools, and creating plans for one or two new Urban Renewal Areas.

Staff would like to report on accomplishments during the RARE term of service and discuss next steps.

Action

No action needed – report for information only.

Attachments:

2020_0810_CC_RARE_Project_Reporting+NextSteps (PDF)

RARE 2019-2020: Projects Completed and Next Steps

I. Project: Economic Development Toolbox
Objectives: The criteria and information for each of the remaining Tools needs to be worked out and made available to the business and residential communities of Lincoln City.

- Created one standard application for all economic development tools to create a more user-friendly resource
- Reformatted program forms for existing economic development tools
- New Tools Created
  - Façade Improvement Loan Program (for commercial)
    Expanded URA-funded tool, to include a City-funded tool
  - Energy Efficiency Loan Program (for commercial)
    Expanded URA-funded tool, to include a City-funded tool
  - Business Expansion Loan Program
    Expanded URA-funded tool, to include a City-funded tool
  - Local Program Support Grant
    Expanded URA-funded tool, to include a City-funded tool
  - Infrastructure Partners Program
    New tool created for both URA and City
  - Pre-Development Assistance Program
    New tool created for both URA and City
  - Proposed housing tools to include: Façade Improvement, Energy Efficiency, Infrastructure Partners, Pre-Development Fees, Mixed-Use Housing, Workforce Housing. Eligibility criteria for each new housing tool determined; programs to be adopted in future URA + CC meeting. The proposed eligibility includes:
    - Restrict funds to home units valued at or below $252,000* minus the loan requests amount. *Home values based on the total market value for the Lincoln County tax assessor's property report data from the most recent year
    - Income quality for the first "round" of funding, restricting to application between 80 – 120% MFI/AMI. Then open it up to others depending on who is interested in the program
    - Restrict funds to home units approximately 1,200 square feet or less
    - Include owner-occupied and renter-occupied dwelling units, excluding second homes and short-term rentals
    - Make programs available for all types of residential units
    - Allow applications from non-profits, for profit organizations, and private property owners
- <u>Next Steps:</u>
  - Adopt new tools for housing with proposed eligibility criteria
  - Marketing program for housing tools as funds become available
  - Posting to City Ec Dev website, send out mailers with brief program descriptions Chamber Chat, Chamber of Commerce "Friday Flyers, Public Service Announcement at KBCH AM 1400

- Adopt program criteria for remaining tools as funding is available (Housing is a priority for City Council, so as funds come available these tools would likely be the highest priority. As more funds are available, additional programs may be developed.)
- Additional economic development tools to include in toolbox as funding is available:
  - Child Care
  - Internet Commerce Conversion Loan
  - Gap Funding Program
  - Business Operations Review
  - Main Street Initiative and/or Downtown Manager Grant
  - Business Startup Loans and/or Micro-enterprise loans
  - Business Incubator/Business Center
  - Welcome Home Entrepreneurial Program
  - Lease Subsidy Program and/or Vacant Space Leasing
  - Sign Change-Out Grant
  - Work Force Education Grants
  - Visitor Attraction

II. Project: Underutilized Property Survey
Objectives: Apply for grant through Business Oregon Brownfield Program. Obtain bids from contractors. Coordinate work, assist consultants where appropriate, review report, present information to City Council, outreach to property owners to connect them with Ec Dev Toolbox.

- Awarded Integrated Planning Grant from Business Oregon for $25,000
- Issued contract with Maul, Foster, and Alongi (MFA) to complete Underutilized Property Survey work, funded from Integrated Planning Grant
- Project deliverables include:
  - Interactive web portal created to identify potential underutilized properties in Lincoln City
  - 8 properties identified as "under-developed" with high development potential and contacted either through phone interview or mailed questionnaire
  - Presentation to City Council August 10th to review results of survey
- Next Steps:
  - Develop Brownfield Redevelopment tool based on needs of property owners, funding available, etc.
  - Explore grant possibilities for environmental assessments/clean-up needed to assist property owners

III. Project: Historic Preservation
Objectives: Work with City Planning Department, North Lincoln County Historical Museum, Oregon Main Streets Association and Oregon State Historic Preservation Office while coalescing existing historic context statements with June 2019 Reconnaissance Level Survey.

Research and report, or summarize existing report, on pros and cons for historic registry of publicly-owned buildings and for City to consider becoming a Certified Local Government.

- Attended Certified Local Government Workshop in Albany
- Identify action items for City to consider becoming Certified Local Government
- Met with staff to determine possible next steps. It was determined at this time there is limited staff capacity to take on the formation of an historic preservation committee
- Updated City local history website with information from the North Lincoln County Historical Museum
- Combined files for an updated historic context book
- Next Steps:
  - Make copies of the historic context book available to the North Lincoln County Historical Museum and Driftwood Library
  - Present update on historic preservation efforts to City Council
  - Explore possibility of forming historic preservation committee as the first step to applying to become Certified Local Government

IV. Project: New Urban Renewal Areas

Objectives: Assist staff in creating one or two Urban Renewal Plans; participated in ad hoc committee meetings, coordinating with consultants and other taxing districts and community about priority projects and objectives.

- Public input for proposed Roads End/Villages at Cascade Head Urban Renewal Area including: 4 advisory committee meetings, 2 public forums, online survey, meetings with Roads End Improvement Association, meetings with overlapping taxing districts, and briefings to other agencies
- Draft Plan and Report created for Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan created
- City Council voted unanimously on first reading of the Ordinance 2020-20 and continued second reading to the next meeting on August 10, 2020
- Next Steps:
  - If the Plan is adopted, the new urban renewal district will go into effect in 30 days. According to state statute, a Notice of Ordinance must be printed in the local newspaper within four days of adoption, Notice of Ordinance will be submitted to the County Assessor office within 30 days of adoption, and the Plan must be recorded within 30 days of adoption.

V. Project: Professional Development - Conferences/Trainings Attended

- Oregon Main Street Conference in Tillamook
- Annual OEDA (Oregon Economic Development Association) Conference
- OEDA workshop – Redevelopment Finance Tools & Programs
- Certified Local Government (CLG) Workshop (Historic Preservation)
- Business Oregon Infrastructure Summit
- RARE sponsored trainings:
  - RARE/AmeriCorps Orientation
  - Fall Training

- Winter Training
- Spring Training (virtual)
- End of Service (virtual)

Personal Reflection from Jodi:

I have thoroughly enjoyed my time living and working in Lincoln City. At the beginning of my term of service I knew that it would be an exciting and challenging year, and that proved to be true. I have learned a lot and it has been rewarding to reflect back on the progress made. One aspect of my work that has been particularly exciting has been the opportunity to engage with residents in creating a proposed plan for a new urban renewal area in the Roads End/Villages at Cascade Head. I am encouraged by the engagement in community and economic development that residents and business owners exhibit, especially in responding to the on-going pandemic.

I have also enjoyed being a part of the Lincoln City staff and in particular the Urban Renewal and Economic Development team. I have been supported in both my personal and professional growth, and I appreciate the trust and mutual respect that I have found here.

The RARE program is a great opportunity for communities to increase capacity and access to community development recourse. For RARE participants, the program offers experience working in community and economic development, as well as exciting professional development and networking opportunities. In my experience, the RARE program provided an enormous amount of support and I am grateful for the program staff. I also want to acknowledge my fellow RARE participants who continue to do great work in rural Oregon. Overall, I am grateful for the opportunity to serve in this role, and I look forward to future economic development and urban renewal efforts in Lincoln City.

Council Communication

Economic Development: Underutilized Property Survey

Meeting Date:	August 10, 2020	Primary Staff Contact:	Alison Robertson
Department:	Urban Renewal	E-Mail:	alisonr@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	20 Min

Objective

To hear a project report from staff and consultants on the Underutilized Property Survey to provide foundational information for economic development tools for redevelopment assistance.

Background

City Council has increased economic development efforts by making available a toolbox similar to the Urban Renewal Agency, to assist business and property owners, as well as support the housing needs in Lincoln City. Some of these tools now have defined program criteria and others exist only as concepts.

One of these concept tools is to provide redevelopment assistance for properties considered to be underutilized or have barriers to redevelopment such as unknown conditions, or brownfield concerns. The concept tool to be developed is described as:

> Brownfield Assistance. For private commercial or mixed-use projects that support the efforts of the Agency, Council, and Community Vision Plans, the Agency or Council will partner with property owners to assist with Brownfield site challenges to further sale or redevelopment of the property.

Some definitions may be helpful for use in this context.

- "Underutilized" – Properties considered to be "underutilized" are those where the assessed value of the land is twice or more than the assessed value of the improvements/structures on that land.
- "Brownfield" – Properties considered to be "brownfield" are those with actual contamination or perceived to be contaminated due to lack of redevelopment. Conducting environmental site assessments can provide information about whether or not a property has actual contamination that needs to be addressed in some way, and provide greater certainty to prospective buyers or developers.

In order to understand how to effectively assist property owners with these challenges, staff identified a need to conduct a City Underutilized Property Survey to identify potential brownfield sites and begin outreach with property owners.

In April 2020, the City of Lincoln City was awarded a $25,000 Brownfields Redevelopment Fund integrated planning grant through Business Oregon to complete an underutilized property survey. The City was required to contribute a 10% grant match. Staff issued a call for bids seeking consultants to complete the survey work and awarded a bid to Maul, Foster, and Alongi (MFA).

Staff and consultants are here to provide a presentation (PowerPoint file attached) to Council on the project methodology, results, next steps and discuss next steps.

Potential Motion
None. For information only.

Attachments:
MFA_PPT COLC Inventory 07.31.20 v2_AR (PDF)

Lincoln City Underutilized Property Survey

Presentation to City Council

August 10, 2020

MAUL FO

Introduction

1. Project Team
2. Project Objectives
3. Scope of Work
4. Methodology
5. Application
6. Summary Results

Project Team

CITY OF LINCOLN CITY

Alison Robertson, AICP – Economic Development Director

Jodi Mescher – Economic Development Coordinator

Sandy Gruber – GIS Coordinator

MAUL FOSTER ALONGI

Seth Otto, AICP – Senior Planner

Sabrina Turner – Senior GIS Analyst

Jennifer Elstrott – GIS Analyst

Objectives

1. Work with property owners to understand needs and connect them to available resources.
2. Help move properties along to help meet market demand.
3. Avoid missing opportunities to help and to avoid perception of lack of follow-through with commitments to property owners.
4. Develop tools to understand and assist properties that are not developing.

Scope & Schedule

April 24	Kick-off Meeting
May 01	Data Needs Assessment and Request
May 01 - 22	Prepare Initial Database
May 22 - June 12	Windshield Survey
June 19	Project Team Review
June 19 - 26	Target Property Owner Interviews
June 19 – July 10	Inventory Refinement
July 17	Deliver Final Inventory
August 03	Materials to City Council
August 10	Presentation to City Council

Methodology

Step 1: Data Request and Compilation

- Tax and jurisdictional boundaries
- Historical data and imagery
- Natural environment
- Environmental concern

Step 2: Utilization Ratio Calculation

- Utilization = Land Value ÷ Improvement Value
- Threshold Ratio ≤ 0.5 to 1
- Underutilized = Land is worth more than double the value of improvements on the property.

Methodology

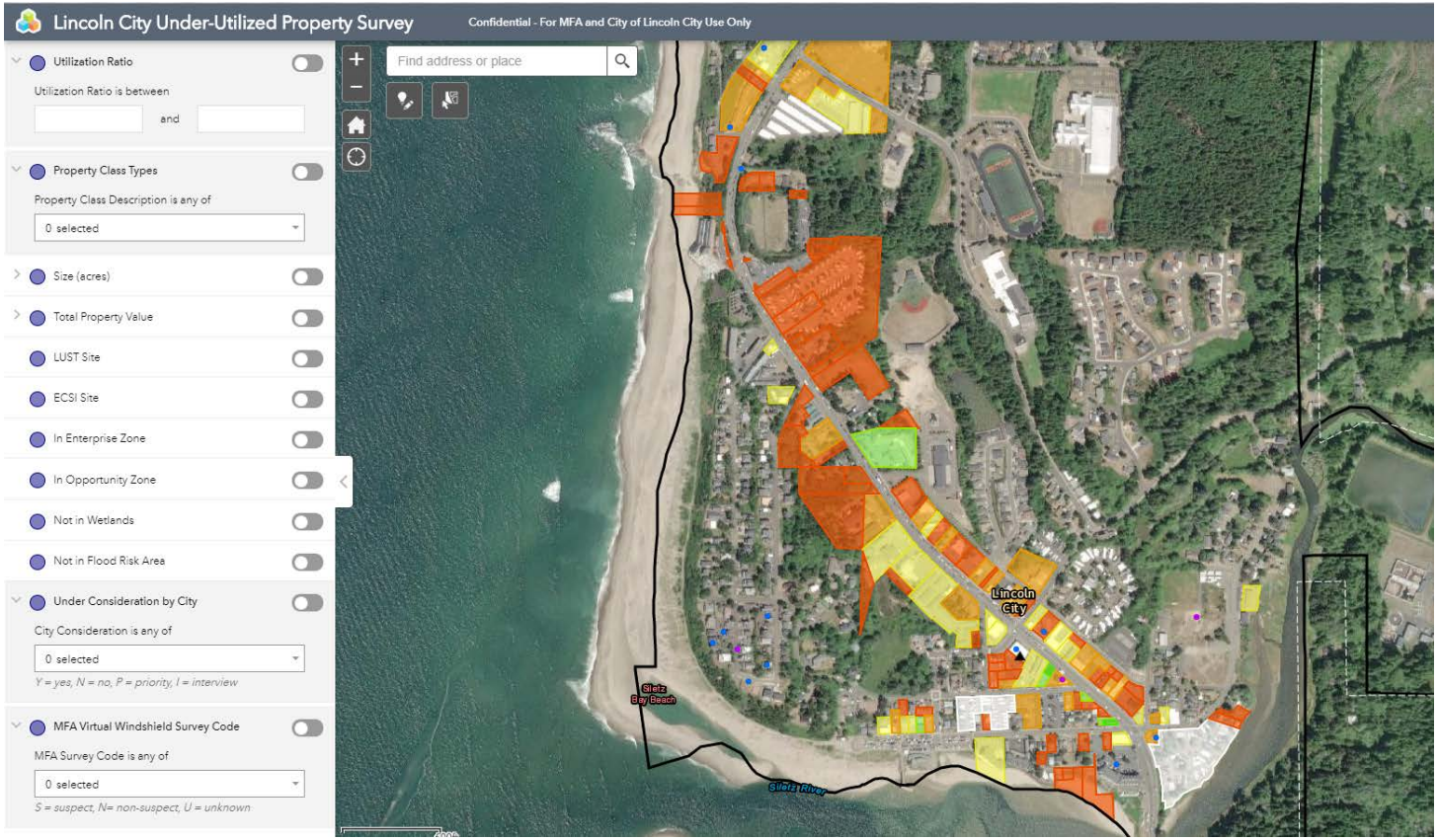
Step 3: Inventory Refinement

- Narrow the inventory using GIS filtering and feedback from City.
- Identified properties considered potential brownfield sites.

Step 4: Windshield Survey

- Virtual property survey conducted via Street View in Google Earth.
- Vacant lots and dilapidated buildings confirmed as catalyst properties.

Application



Results

Total Properties	13,382
Properties Within Zones of Interest	3,300
Not: Publicly Owned, in Wetlands, Single Family, Small Multi-Family	842
Underutilized	517
Properties in DEQ Databases (ECSI, LUST)	29
Potential Brownfield	196
Catalyst Properties	99

Outreach

Limited concern about the potential for environmental liability. All aware of historic uses but either were not concerned or intended to continue the current use on site.

Some concerns with infrastructure conditions and City policies, including stormwater management, parking availability, access to Highway 101, building height limitations, and City tree code.

Lincoln City is a good place to own a business and the City is generally easy to work with. Willingness to work with City staff to identify opportunities for improvements and potentially enter into partnerships with the City for redevelopment.

Toolbox

1. Continue outreach to property owners
2. Urban Renewal and City Economic Development programs
3. Take advantage of state brownfield programs
   - Business Oregon
   - Brownfield Land Bank Authority
   - Property Tax Incentive
4. Federal Grant Programs
   - EPA Brownfields
   - EDA Public Works
5. Public/Private Partnerships

SETH OTTO, AICP

Senior Planner

sotto@maulfoster.com

503.577.3268

MAUL FOSTER ALONGI

Council Communication

Ordinance 2020-20 Adoption of New Urban Renewal District

Meeting Date:	August 10, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Urban Renewal	Secondary Contacts:	Alison Robertson
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Question(s):

Should the City Council conduct and approve Second Reading [after reading the changes set forth herein] and adopt Ordinance 2020-20?
[or]
Should the City Council conduct and approve First (repeat) and Second Reading and adopt Ordinance 2020-20 entitled:

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2020-020 and, *if unanimous,* Conduct and approve Second Reading and adopt the Ordinance. Any changes must be read.

Authority:

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

emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

First Reading was completed on July 27, 2020 with instructions to address opposition letter in findings.

Council can read the following change or repeat first reading:

Ordinance 2020-20 Exhibit C

Memorandum from Planning Director regarding Lincoln City Planning Commission Report and Recommendation on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (attached separately)

together with

Findings on opposition comments from the
Fair Housing Council of Oregon

Findings regarding Opposition Comments:

The Council finds and determines that this Ordinance adopts a TIF Plan and Report and such adoption is not an amendment to the Lincoln City Comprehensive Plan or Land Development Regulations. Unlike an amendment to the Comprehensive Plan or Land Development Regulations, processed under ORS 197.610, this is the adoption of an Urban Renewal Plan under Chapter 457.

Among other things, the Urban Renewal Statutes [e.g. ORS 457.085(d)] requires that the TIF Plan be reviewed for conformance to local objectives:

> (d) An explanation of the plan's relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements.:

The City Council and Planning Commission reviewed the TIF Plan and Report against the Comprehensive Plan, comprehensive plan support documents, and Title 17 of the Municipal Code [See Plan Section XIII (Relationship to Local Objective)]. The resulting findings of conformance with the comprehensive plan by the Planning Commission and Council are specifically incorporated herein by this reference. As regards housing, the review finds, specifically:

> Housing Policies

1. *The City shall encourage a wide range of housing types.*

2. *The City shall encourage multi-family buildings subject to design and landscape control.*

4. The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.

Finding: The Plan conforms to the Housing Goal as there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Objector's primary concern with the proposed ordinance relates to statewide planning goal 10. Their comments reflect the standards for review of Plan amendments and land development regulations under ORS 197.610, which are not applicable in this review. While a courtesy notice was sent to DLCD, the ordinance does not amend the Plan or the Zoning Code or plan support documents; it must only be reviewed for conformance with those documents.

Because no amendment is proposed and the City's Housing Policies are current – and in conformance with the statewide goals, a finding of conformance with the Comprehensive plan is a finding of conformance with the statewide goals. Separate findings are not necessary; however, in an abundance of caution the Council makes the following findings and determinations:

Goal 10: Housing

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

The ordinance adopting a new urban renewal plan and report does not directly relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to provide needed housing to its citizens. In fact, the amendment will facilitate compliance with Goal 10 and the City's ordinances and plan policies. As noted under the Lincoln City Comprehensive plan conformance review, the adoption of a new urban renewal district will facilitate new residential development by providing needed infrastructure and amenities. Financing infrastructure with an urban renewal plan makes development and redevelopment more likely and less expensive. When a developer has public infrastructure in the right of way adjacent to a proposed project, housing costs can be much less expensive.

The Ordinance does not facilitate preservation of single family residential housing in lieu of other types. This Ordinance furthers the objectives of comprehensive plan amendments 2019-39 and 2019-41, which created and then imposed on 306 acres in the Roads End area a Future Land Use Designation which requires a mix of high density, medium density, and low density housing types. These ordinances also mandate that a minimum of 10 percent of the housing

units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. Urban Renewal works with the Plan and Code to facilitate compliance with Goal 10. Urban Renewal is not a subterfuge to drive up property values or preserve single family zoning patterns. To the contrary, in the context of all the City has done in north county to diversify housing, this ordinance is an essential component of the City's ongoing efforts to provide the full complement of housing types as required by our comprehensive plan. Therefore, Goal 10 is met or the Goal is not applicable.

Also See the attached Ordinance, Plan and Report.

Council Options:

1. Conduct and approve Second Reading and adopt the Ordinance after reading changes above. [or]
2. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
3. Continue Second Reading to August 24, 2020
4. Do not proceed with proposed ordinance.

Potential Motions:

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

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

Council:

1. Motion to approve First Reading of Ordinance 2020-20.

If unanimous: conduct Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-20.

[or]

2. Motion to set Second Reading for August 24, 2020.

Attachments:
Ordinance 2020-20 7-22-20 final (DOCX)
Exhibit_A_PLAN_RoadsEnd-VillagesDistrict_UR-TIF_FINAL (PDF)
Exhibit_B_REPORT_V5_RoadsEnd-VillagesDistrict_UR-TIF_FINAL (PDF)
Exhibit_C_ PlanningCommissionActionMemo_RoadsEnd-VillagesArea_UR-TIF_Plan (PDF)

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF LINCOLN CITY, MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE ROADS END/VILLAGES AT CASCADE HEAD URBAN RENEWAL (TAX INCREMENT FINANCE) PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

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

WHEREAS, the Lincoln City Urban Renewal Agency ("Agency"), as the duly authorized and acting urban renewal agency of the City of Lincoln City, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan dated July 27, 2020 and attached hereto as Exhibit A (the "Plan"). The Plan authorizes certain urban renewal activities within the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Report dated July 27, 2020 and attached hereto as Exhibit B (the "Report") to accompany the Plan as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Plan and Report to the Lincoln City Planning Commission (the "Commission") for review and recommendation. The Commission considered the Plan and Report on July 7, 2020 and adopted a finding that the Plan conformed with the Lincoln City Comprehensive Plan, said finding attached hereto as Exhibit C (the "Finding"). Exhibit C also includes findings related to opposition comments; and

WHEREAS, the Plan and the Report were forwarded on May 7, 2020 to the governing body of each taxing district affected by the Plan, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, on July 6, 2020 the City met with representatives of Lincoln County to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, the City Council has received a written recommendation from the governing body of the North Lincoln Fire District and after having given due consideration to the recommendations, the City Council has determined that no amendments are necessary to the Plan and as such rejects the recommendations as required by ORS 457.089 and for the reasons

identified in the staff report to the City Council and in the City Council deliberations on this ordinance; and

WHEREAS, in July 2020, the City caused notice of the hearing to be held before the Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to property owners within City's incorporated limits through utility bills; and

WHEREAS, on July 27, 2020 the City Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Lincoln City Planning Commission and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, The City Council found that the Plan conforms with all applicable legal requirements; and

WHEREAS, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Plan.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. The Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of 457.095(1) through (7), in that, based on the information provided in the Report, the Lincoln City Planning Commission Recommendation, and the public testimony before the City Council:

1. The process for the adoption of the Plan, has been conducted in accordance with the applicable provisions of Chapter 457 of the Oregon Revised Statutes and all other applicable legal requirements;

2. The area designated in the Plan as the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area ("Area") is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in Section XI of the Report including the existence of inadequate streets and other rights of way, open spaces and utilities and underdevelopment of property within the Area (ORS 457.010(1)(e) and (g);

3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety or welfare of the City because absent the completion of urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according to the goals of the City's Comprehensive Plan;

4. The Plan conforms to the Lincoln City Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in Section XIII of the Plan and in the Lincoln City Planning Commission Recommendation (see attached Exhibit C);

5. The Plan conforms to the Lincoln City Economic Development Plan called the Lincoln City Economic Opportunities Analysis and Housing Needs Analysis as more fully described in the Plan;

6. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Plan and therefore the Plan does not include provisions to house displaced persons;

7. Adoption and carrying out the Plan is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Sections of the Report;

8. The City shall assume and complete any activities prescribed it by the Plan; and

9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

SECTION 2. The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan is hereby approved based upon review and consideration by the City Council of the Plan and Report, the Lincoln City Planning Commission Recommendations, each of which is hereby accepted, and the public testimony in the record.

SECTION 3. The City Manager shall forward forthwith to the Agency a copy of this Ordinance.

SECTION 4. The Agency shall thereafter cause a copy of the Plan to be recorded in the Records of Lincoln County, Oregon.

SECTION 5. The City Manager, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan including the provisions of ORS 457.135, in the Lincoln City News Guard no later than four days following adoption of this Ordinance.

SECTION 6. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and in the ordinance exhibits, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 7. Severability.

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

SECTION 8. Ordinance Effective Date.

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

SECTION 9. Codification.

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

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 27th day of July 2020 (First Reading) and on the 10th day of August, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of August, 2020.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

Ordinance 2020-20 Exhibit A

Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Ordinance 2020-20 Exhibit B

Report on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Ordinance 2020-20 Exhibit C

Memorandum from Planning Director regarding Lincoln City Planning Commission Report and Recommendation on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (attached separately)

together with

Findings on opposition comments from the Fair Housing Council of Oregon

Findings regarding Opposition Comments:

The Council finds and determines that this Ordinance adopts an Urban Renewal (TIF) Plan and Report and such adoption is not an amendment to the Lincoln City Comprehensive Plan or Land Development Regulations. Unlike an amendment to the Comprehensive Plan or Land Development Regulations, processed under ORS 197.610, this is the adoption of an Urban Renewal (TIF) Plan under Chapter 457.

Among other things, the Urban Renewal Statutes [e.g. ORS 457.085(d)] require that the Urban Renewal (TIF) Plan be reviewed for conformance to local objectives:

> (d) An explanation of the plan's relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements.:

The City Council and Planning Commission reviewed the Urban Renewal (TIF) Plan and Report against the Comprehensive Plan, comprehensive plan support documents, and Title 17 of the Municipal Code [See Plan Section XIII (Relationship to Local Objective)]. The resulting findings of conformance with the comprehensive plan by the Planning Commission and Council are specifically incorporated herein by this reference. As regards housing, the review finds, specifically:

> Housing Policies
>
> *1. The City shall encourage a wide range of housing types.*
>
> *2. The City shall encourage multi-family buildings subject to design and landscape control.*
>
> *4. The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.*
>
> Finding: The Plan conforms to the Housing Goal as there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational

opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Objector's primary concern with the proposed ordinance relates to statewide planning goal 10. Their comments reflect the standards for review of Plan amendments and land development regulations under ORS 197.610, which are not applicable in this review. While a courtesy notice was sent to DLCD, the ordinance does not amend the Plan or the Zoning Code or plan support documents; it must only be reviewed for conformance with those documents.

Because no amendment is proposed and the City's Housing Policies are current – and in conformance with the statewide goals, a finding of conformance with the Comprehensive plan is a finding of conformance with the statewide goals. Separate findings are not necessary; however, in an abundance of caution the Council makes the following findings and determinations:

Goal 10: Housing

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

The ordinance adopting a new urban renewal plan and report does not directly relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to provide needed housing to its citizens. In fact, the amendment will facilitate compliance with Goal 10 and the City's ordinances and plan policies. As noted under the Lincoln City Comprehensive plan conformance review, the adoption of a new urban renewal district will facilitate new residential development by providing needed infrastructure and amenities. Financing infrastructure with an urban renewal plan makes development and redevelopment more likely and less expensive. When a developer has public infrastructure in the right of way adjacent to a proposed project, housing costs can be much less expensive.

The Ordinance does not facilitate preservation of single family residential housing in lieu of other types. This Ordinance furthers the objectives of comprehensive plan amendments 2019-39 and 2019-41, which created and then imposed on 306 acres in the Roads End area a Future Land Use Designation which requires a mix of high density, medium density, and low density housing types. These ordinances also mandate that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. Urban Renewal works with the Plan and Code to facilitate compliance with Goal 10. Urban Renewal is not a subterfuge to drive up property values or preserve single family zoning patterns. To the contrary, in the context of all the City has done in north county to diversify housing, this ordinance is an essential component of the City's ongoing efforts to provide the full complement of housing types as required by our comprehensive plan. Therefore, Goal 10 is met or the Goal is not applicable.

Roads End/Villages at Cascade Head
Urban Renewal (Tax Increment Finance) Plan

Adopted by the City of Lincoln City

August 10, 2020

Ordinance No. 2020-20

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

Date	Res or Ordinance No.	Purpose of Change

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
Diane Kusz, Ward 2
Judy R. Casper, Ward 3
Rick Mark, Ward 3

Planning Commission
Marci Baker
Miles Schlesinger
Lenny Nelson
Joshua Brainerd
Kim Blackerby
Patti Kroen

Urban Renewal Agency
Diana Hinton, Chair
Mitch Parsons, Vice Chair
Dick Anderson
Judy R. Casper
Dennis “Riley” Hoagland
Diane Kusz
Rick Mark

City Manager
Ron Chandler

Economic Development and Urban Renewal Director
Alison Robertson

Economic Development Coordinator
Jodi Mescher

Administrative Coordinator
Pam Wiren

GIS Coordinator
Sandy Gruber

Finance Director
Debbie Bridges

Public Works Director
Lila Bradley

Public Works City Engineer
Sephanie Reid

Parks And Recreation Director
Jeanne Sprague

Planning and Community Develoment Director
Anne Marie Skinner

Urban Renewal Advisory Committee
Dick Anderson – Mayor, City of Lincoln City
Laurel Barton – Community Member
Pamela Barlow-Lind – Tribal Planner, Confederated Tribes of Siletz Indians
Debbie Bridges – Finance Director, City of Lincoln City
Ronald Chandler – City Manager, City of Lincoln City
Chief Rob Dahlman – Fire Chief, North Lincoln Fire & Rescue District #1
Dr. Karen Gray – Superintendent, Lincoln County School District
Diana Hinton – UR Agency Chair, City of Lincoln City
Kaety Jacobson – County Commissioner, Lincoln County Board of Commissioners
Janet Knipe – Community Member
Patti Kroen – Chair, Lincoln City Planning Commission

Tax Increment Plan Consulting Team
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I. DEFINITIONS

“Agency” means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

“Annual report” is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

“Area” or “urban renewal area” or “TIF Area” means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

“Blight” is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

“Board of Commissioners” means the Lincoln County Board of Commissioners.

“City” means the City of Lincoln City, Oregon.

“City Council” or “Council” means the Lincoln City City Council.

“Comprehensive Plan” means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

“County” means Lincoln County, Oregon.

“Fiscal year” means the year commencing on July 1 and closing on June 30.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

“Municipality” means any county or any city in the state of Oregon.

“ORS” means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

“Planning Commission” means the Lincoln City Planning Commission.

“Project(s)” or “TIF Project(s)” means any work or undertaking carried out under the TIF Plan.

“Report Accompanying TIF Plan” or “Report” means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance area report” or “urban renewal report” or “report” means the official report that accompanies the TIF plan pursuant to ORS 457.085(3).

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

A. Background

The Lincoln City City Council (City Council) has used urban renewal as an economic development tool since the adoption of the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) in 1988. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Plan on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Plan. As part of planning for the tools to be used to help facilitate development and provide infrastructure to the city, the City Council directed staff to complete tax increment feasibility studies for both the Roads End/Villages at Cascade Head Area and the Nelscott Area. Those studies were completed in 2019 and were presented to the City Council. After review of the findings of the feasibility studies, the City Council directed staff to prepare a tax increment plan for the Roads End/Villages at Cascade Head Area and to begin planning for a potential future tax increment area in Nelscott.

The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area) was developed for the City Council with cooperative input from the community-based Advisory Committee (AC) that was formed for this purpose. The AC consisted of eleven members including representatives from City Council, Agency and Lincoln City Planning Commission (Planning Commission), representatives from major taxing districts, and community members. The AC met formally four times to review and discuss the project boundary, list of projects to be pursued in the Area, project financials, and to review the Draft Plan.

The Plan also included input from community engagement at two public forums, an online survey, and public meetings, and in hearings before the Lincoln City Urban Renewal Agency, Planning Commission, City Council, and a public briefing with the Lincoln County Board of Commissioners. The Plan also included communication with the overlapping taxing districts through a briefing with representatives from impacted taxing districts, individual meetings with taxing districts as requested, and consult and confer letters to update impacted districts on project progress and financial implications to each taxing district.

A significant project to be completed in the Area that involves future community outreach is Community Visioning. Through the Community Visioning process projects will be further defined and prioritized as funds are accrued.

A full list of community outreach events and presentations is shown in Table 1.

The Area, shown in Figure 1, is 500 acres.

Table 1 – Community Outreach and Events

Meeting	Topic	Date
City Staff - Department Head Meeting	Identify initial list of projects to be completed in Area	10/10/2019
Advisory Committee Meeting #1	Boundary discussion	10/29/2019
Roads End Improvement Association	Urban Renewal 101; urban renewal process and project update	11/9/2019
KBCH AM 1400 Radio Show	Urban Renewal overview and marketing for public forum on January 7th	12/18/2019
Email sent out to general contact list	Invitation for Public Forum #1	1/3/2020
Advisory Committee Meeting #2	Review and discuss project list	1/7/2020
Public Forum #1	Urban Renewal overview, and collect input on list of proposed projects	1/7/2020
Online Survey	Collect input on list of proposed projects. Survey link sent to general contact list, Chamber of Commerce membership, Bay Area Merchants Association membership members, and posted on City website	1/8/2020 - 2/10/2020
KBCH AM 1400 Radio Show	Project update and marketing for public forum on February 18th	1/13/2020
Press Release sent out for Public Forum #2	Marketing for Public Forum on February 18th	2/7/2020
Email sent out to general contact list	Marketing for Public Forum 2	2/11/2020
Taxing Districts Briefing Meeting	Update overlapping taxing districts with project details and financial implications	2/11/2020
Advisory Committee Meeting #3	Review and discuss project list & financials	2/18/2020
Public Forum #2	Present community input summary and discuss project list and financials	2/18/2020

City Council	Present community input summary and discuss project list and financials	2/24/2020
Roads End Improvement Association (Virtual Meeting)	Urban Renewal update	3/14/2020
City Council	Prompt City Council for direction on next steps, discuss revenue sharing	3/23/2020
Memo to taxing districts	Update overlapping taxing districts with project details and updated financial impacts as a result of revenue sharing	4/6/2020
Advisory Committee Meeting #4	Review and discuss draft Plan and Report	4/28/2020
Urban Renewal Agency review	Review and discuss draft Plan and Report	6/15/2020
Consult and Confer letters	Provide overlapping taxing districts with draft Plan and Report to review	*after Agency meeting
Planning Commission meeting	Review and discuss draft Plan's conformance to comprehensive plan	7/7/2020
Lincoln County briefing	Review and discuss draft Plan and Report including maximum indebtedness	7/8/2020
City Council hearing	Review and discuss draft Plan and Report, first reading of ordinance for Plan adoption	7/27/2020

Note on language: This Plan, wherever applicable and permissible, uses the term Tax Increment Finance or TIF synonymous with "urban renewal". The term TIF is used consistently in other parts of the nation and does not evoke past practices of other urban renewal agencies throughout the country wherein minorities and underrepresented populations were displaced to clear the way for redevelopment. This Plan aims to avoid those connotations and has been created with intention to avoid those outcomes. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Plan.

B. Plan Overview

The Goals and Objectives of this Plan are intended to guide investment by the Agency in the Area over the life of the Plan. Substantial amendments to the Plan must be approved by City Council as outlined in Section VII. All amendments to the Plan are to be listed numerically on the inside of the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the Oregon Revised Statute (ORS) 457.085(2) requirements is shown in Table 2. The specific reference in the table below is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 2 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V, VI
ORS 457.085(2)(b)	V, VI
ORS 457.085(2)(c)	XIV
ORS 457.085(2)(d)	XIII
ORS 457.085(2)(e)	XIII
ORS 457.085(2)(f)	IX
ORS 457.085(2)(g)	VIII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VII
ORS 457.085(2)(j)	Not applicable

C. Tax Increment Financing Overview

ORS 457 allows for the use of tax increment revenues, a financing source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area, in this Plan called the Roads End/Villages at Cascade Head Area TIF Area or Area, from the time the Area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for projects within the Area and cannot exceed the maximum indebtedness amount set by the Tax Increment Plan.

The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in ORS 457. These

areas can have property that is undeveloped or underdeveloped, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development. In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for development, rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces.

The Area meets the definition of blight due to its infrastructure deficiencies including deficiencies in the Transportation System, Parks System, Sewer System, Stormwater System and Water System. In addition, there are many undeveloped properties within the Area. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report Accompanying Roads End/Villages at Cascade Head TIF Area (Report).

The Report contains the information required by ORS 457.085(3), including:

- A description of the physical, social, and economic conditions in the area;
- The expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan Area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source(s) of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the Urban Renewal Area; and
- A relocation report.

III. MAXIMUM INDEBTEDNESS

Maximum indebtedness is a legal term for the total amount of money that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion, is $87,100,000 (Eighty Seven Million One Hundred Thousand Dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness, or interest earned on bond proceeds.

IV. GOALS AND OBJECTIVES

The Agency adopted both a Mission, and Goals and Objectives when the Year 2000 Plan was prepared. Goals and Objectives of this Plan represent its basic intents and purposes. The projects identified in Sections V and VI of the Plan are the specific means of meeting the goals. The goals will be pursued as economically as is feasible and at the discretion of Agency. They are not listed in any order of importance or priority.

A. Agency Mission

The mission of the Agency is to eliminate blight and depreciating property values in areas within the Agency's jurisdiction and in the process, attract job producing private investments that will improve property values, improve the Area's visual quality and establish a positive linkage between the Area and the Pacific Ocean – all in a manner which will be compatible with the City's natural and built setting.

B. Plan Goals

To accomplish its mission the Agency will develop and implement an urban renewal (tax increment finance) program known as the Plan, the goals and objectives of which are:

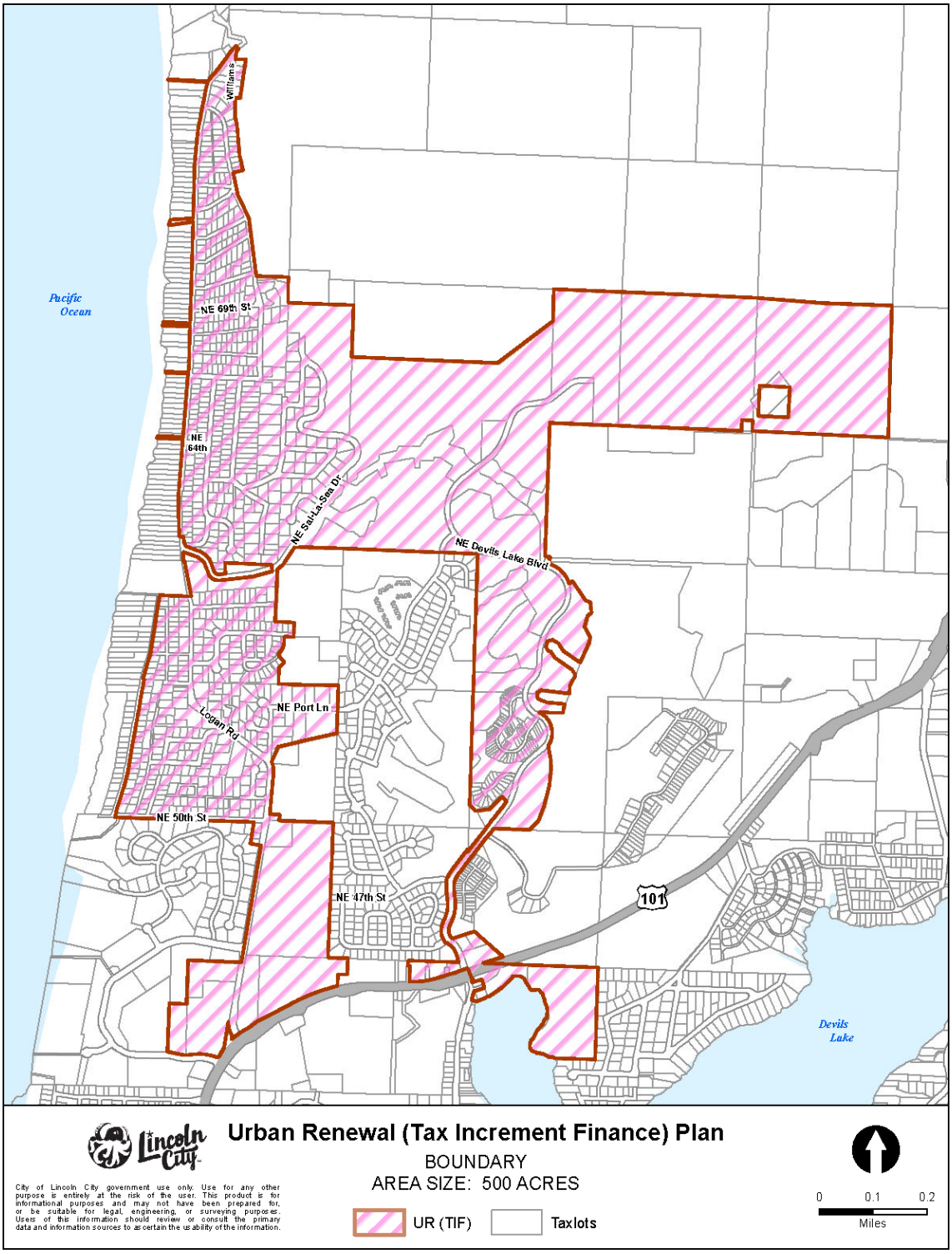
1. To resolve the problems created by existing blighted conditions so that unused and underused properties can be placed in productive condition and utilized at their highest and best use.
2. To involve community members and stakeholders and increase engagement in planning to support projects in the Area.
3. To establish and improve road connections to increase accessibility within as well as into and out of Area.
4. To improve the City's economic vitality and its ability to provide municipal services.
5. To support City economic development and housing goals.
6. To install and enhance pedestrian pathways in areas of maximum concentration to improve the pedestrian environment.
7. To enhance and increase accessibility of Area parks and open spaces and to increase connectivity to greater trail systems.
8. To establish and improve water, sewer, and utility systems to support existing and future development, and to place underground, existing overhead utility systems in areas that will improve view corridors as well as safety in the event of inclement weather or natural disasters.

9. To be sensitive to, and to minimize to the greatest extent possible, the effects of tax increment financing upon the overlapping taxing districts through revenue sharing.

10. To enhance opportunities for business and tourist-related property to be developed, redeveloped, improved, rehabilitated and conserved in ways which will:

    a. Ensure that traffic flow, off-street parking, and other public facilities within the Area are adequate to accommodate current and future development
    b. Improve the Area's visual quality consistent with that of the Oregon Coast's natural environment
    c. Encourage the expansion and development of businesses that will produce living wage jobs for the people of the City
    d. Increase property values so that the Area will contribute its fair share to the costs of providing public services
    e. Leverage the Agency's financial resources to maximum extent possible with other public and private investment and other funding sources

Figure 1 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Boundary



Source: City of Lincoln City GIS

V. URBAN RENEWAL PROJECT CATEGORIES

In relationship to the goals described in the previous section, the projects within the Area fall into the following categories:

A. Transportation

B. Economic Development

C. Parks, Trails and Open Space

D. Public Works/Utilities

E. Community Connections/Appearance

F. Emergency Preparedness, Resiliency and Mitigation

G. Plan Administration

VI. URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan are described below. No project currently includes a public building. If any project considered in the future proposes a public building, the public building criteria in ORS 457.010 and ORS 457.035 to 457.320 will need to be addressed at the time the project is considered. If a public building is proposed, and concurrence is provided by the taxing districts as described in ORS 457.089, then the project and the statutory requirements must be identified in the Plan through a Minor Amendment, as described in Section VII.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.
- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.
- Safety improvements including but not limited to:
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies
- Improved public parking on and off-street; could include but are not limited to Sal-La-Sea second parking lot.

- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.
- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works.
- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Rd., Devils Lake Blvd., Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects .
- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to land acquisition, work force housing, child care facilities in support of City efforts, and construction of visitor and educational facilities.

C. Parks, Trails and Open Space

- Improved access to trail heads and parking for recreation partner trails.
- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.
- The Villages Neighborhood Park A

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.
- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.
- Public utility improvements to include but are not limited to power, electric, gas, and cable along NE Devils Lake Boulevard and other locations within Area.
- Improved infrastructure to support long-range water security for Area.
- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.
- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.
- Improve water line from 69th Street to Williams Court and provide sewer lines to unsewered areas.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrian.
- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

G. Plan Administration

Provide funds to retain the services of City personnel or other independent professionals or organizations for activities such as:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

VII. AMENDMENTS TO PLAN

The Plan may be amended as described in this section.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission, and adoption by the City Council by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within the City of Lincoln City, as required by ORS 457.120.

Substantial Amendments shall be processed in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:[1]

1. Add land to the urban renewal area, except for an addition of land that totals not more than 1% of the existing area of the urban renewal area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

C. Council Approved Amendments

Amendments to the Revenue Sharing provisions contained in Chapter X Tax Increment Financing of Plan may be completed through a Council Approved Amendment by resolution of the City Council after notification to all impacted taxing districts following the standards outlined in ORS 457.455.

D. Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code

Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code, Title 17 Zoning that affect the Plan and/or the Area shall be

[1] Unless otherwise permitted by state law, no land equal to more than 20 percent of the total land area of the original Plan shall be added to the urban renewal area by amendments, and the aggregate amount of all amendments increasing the maximum indebtedness may not exceed 20 percent of the Plan's initial maximum indebtedness, as adjusted, as provided by law, with increases beyond that amount requiring concurrence as stated in ORS 457. .

incorporated automatically within the Plan without any separate action required by the Agency or City Council.

VIII. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(2)(g).

A. Property acquisition for public improvements

The Agency may acquire property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the Area that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the Urban Renewal Agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of

its improvements within a period of time that the Agency determines is reasonable.

IX. RELOCATION METHODS

If the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. No specific acquisitions that would result in relocation benefits have been identified in the Plan.

X. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the bonds are used to finance the urban renewal projects authorized in the Plan. Bonds may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative *increase* in assessed value within an urban renewal area over the total assessed value at the time an urban renewal plan is adopted. (Under current law, the property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.)

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes,

if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

C. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Agency or the City of Lincoln City in connection with the preparation of this Plan or prior planning efforts related to this Plan may be repaid from tax increment revenues from the Area when and if such funds are available.

D. Revenue Sharing

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue will go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

E. Under-levy

The Agency may determine to under-levy pursuant to ORS 457.455 notwithstanding any of the foregoing provisions.

XI. VALIDITY

Should a court of competent jurisdiction find any work, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such findings and shall remain in full force and effect for the duration of this Plan.

XII. ANNUAL REPORT

The Agency shall file an Annual Report in compliance with ORS 457.460.

XIII. RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives. This section provides that analysis. Relevant local planning and development objectives are contained within the *City of Lincoln City Comprehensive Plan, City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis, and the Lincoln City Municipal Code, Title 17 Zoning.* The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan conforms to the applicable goals and policies.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. The language from the original document is in *italics.* Comprehensive Plan designations for all land in the Area are shown in Figure 2, Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan Comprehensive Plan Designations.

All proposed land uses conform to Figure 3. Maximum densities and building requirements for all land in the Area are contained in the Lincoln City Municipal Code described in subsection C of this Section XIII. The zoning designations are shown in Figure 2.

A. Lincoln City Comprehensive Plan

The analysis of how the Plan conforms to the *Lincoln City Comprehensive Plan* (Comprehensive Plan) covers the most relevant sections, but may not cover every section, of the Comprehensive Plan that relates to the Plan.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. If a substantial amendment is completed in the future, this section of the Plan should be updated at that point.

Below are applicable Comprehensive Plan policies and statements of the Plan's conformance to Comprehensive Plan policies.

Citizens Involvement Goal

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

Finding: The Plan conforms to the Citizens Involvement Goal as there has been citizen involvement in the preparation of the Plan. The City created a project Advisory Committee (AC) for the preparation and review of the Plan. In addition to the AC, the City met with representatives of the taxing districts to review the Plan. There were two Public Forums to present information about the Plan and to provide opportunity for input. The City presented information on two separate KBCH AM 1400 radio shows, sent an e-mail to the general contact list, provided an on-line survey, sent out public press releases, and met with the Roads End Improvement Association. A full list of outreach is show in Table 1. In addition, the Agency will complete a future Community Vision for the Area to establish project priorities.

Public Services and Utilities Goal

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

Overall Public Facility Policies

3. *Lincoln City shall work with utility companies to develop and directly implement programs for placing all utilities underground. This program may be accomplished in conjunction with scheduled street repairs.*

Individual Public Facilities Policies

II. Drainage Policies:

1. *Adequate storm drainage facilities, including culverts, catch basins, natural or surface channel systems (approved by the city engineer) shall be a part of all subdivision design, planned development, City- or locally-initiated street construction or improvement, or other development and shall conform to the City's Master Drainage Plan.*

III. Parks and Recreation Policies

1. *The City shall provide recreational facilities and activities for all citizens of the city.*
3. *The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.*
7. *The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.*
8. *The City shall work with the State Parks Department to improve the use of existing State Parks within the city.*

Finding: The Plan conforms to the Public Services and Utilities Goal as there are projects for undergrounding utilities, improving the drainage, and for providing new recreational facilities, bikeways and connections in the Area.

Housing Goal

To provide for the housing needs of all citizens.

Housing Policies

1. *The City shall encourage a wide range of housing types.*
3. *The City shall encourage multi-family buildings subject to design and landscape control.*
4. *The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.*

Finding: The Plan conforms to the Housing Goal as there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

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.

Economic Development Policies

4. *Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.*

Finding: The Plan conforms to the Economy Goal as there is a specific project category to help incentivize economic development in the Area. In addition, there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Aesthetic Goal

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

Aesthetic Policies

4. *The City shall establish a special study group to review the feasibility of placing utilities underground.*

Finding: The Plan conforms to the Aesthetic Goal as there is a project for undergrounding utilities in the Area.

Transportation Goal

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

Transportation Policies

Roadway Development

2. *Identify and develop bicycle routes through and around town that are safe, attractive and user-friendly.*

4. *Develop improved east west street connections with neighborhood needs and the direction of commercial in mind.*

Pedestrian Facilities

1. *Develop a plan for improved pedestrian crossings of 101 including signal treatments, with some crosswalk relocation and development.*

3. *Develop an off street pedestrian trail system perhaps integrated with a bike trail system to supplement on street facilities*

Bicycle Facilities

1. *Identify and develop a system of off Highway 101 bicycle routes through and around town that are safe, attractive and user friendly.*

Off Street Parking Development

1. *Refine the public off street parking development plan along Hwy 101 through the City.*

2. *Develop improved beach access parking facilities in the City.*

Transportation Financing

1. *Identify financial strategies and resources that will allow long term financing of transportation improvements in the City.*

Finding: The Plan conforms to the Transportation Goal as there are projects to improve the transportation system for all users in the Area. There is also a project for community wayfinding to help facilitate pedestrians and bicyclists to use these systems.

Energy Goal

To conserve energy.

Energy Policies

5. *The City shall encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development.*

8. *The City shall locate high density development within walking distance of services and shopping areas.*

Finding: The Plan conforms to the Energy Goal as there are projects in the Plan that improve the transportation system, parks system and provide incentives for economic development that will help support new development in the Area.

Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.

Finding: The Plan conforms to the Overall Environmental Goal as the projects that improve the transportation system, parks system and provide incentives for economic development will aid in balancing the need for new development and protecting the natural environments of the City.

B. Lincoln City Economic Opportunities Analysis and Housing Needs Analysis[2]

Economic Development Objectives

- *Encourage local businesses that provide family-wage jobs to locate in Lincoln City.*
- *Support the growth of existing businesses and entrepreneurs.*
- *Foster Lincoln City's recreation and tourism based economy, particularly during off-peak times (e.g. pursue a regional sports complex).*
- *Support the success of businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.*
- *Encourage development of a local workforce with the skills that Lincoln City businesses need.*
- *Encourage the development of housing affordable to Lincoln City's workforce.*
- *Develop telecommunications and other infrastructure necessary to support home-based businesses and workers.*
- *Improve the transportation system to support economic development. Explore the use of Devils Lake for transportation purposes.*
- *Coordinate economic development efforts with local and regional partners.*

[2] *City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis,* Cogan Owens Greene, FCS Group, Fregonese Associates, April 2017.

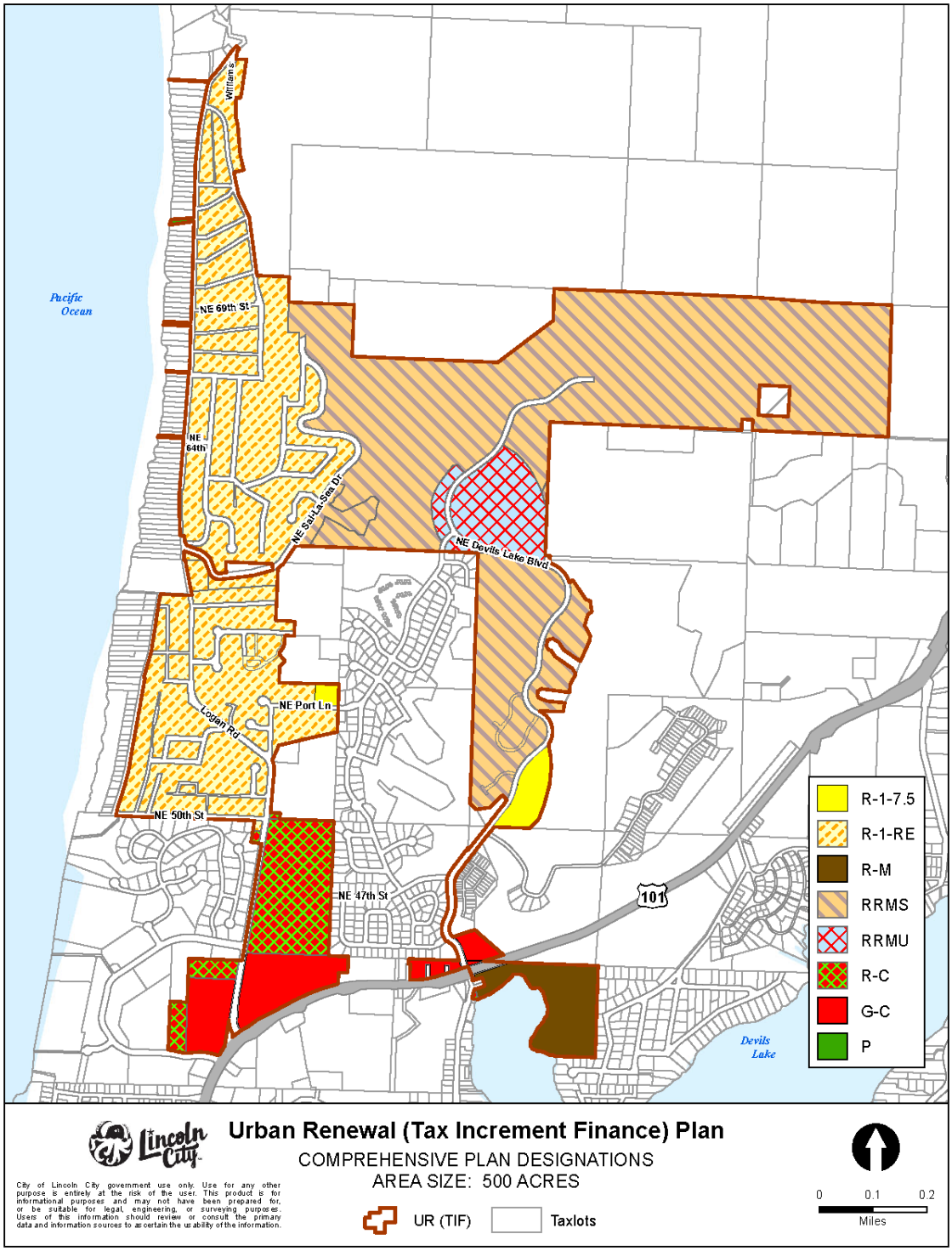
Housing Objectives

Encourage the development of affordable and workforce housing:

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

Finding: The Plan conforms to the *Lincoln City Economic Opportunities Analysis and Housing Needs Analysis* as there is a specific Economic Development program to encourage and incentivize development in the Area. There are projects to improve the transportation system for all users and to improve the park system in the Area. These activities will also be key in providing Affordable Housing in the city. This Area has a majority of residents over 55, and providing commercial services, transportation and parks improvements will support that population.

Figure 2 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Comprehensive Plan Designations



Source: City of Lincoln City GIS

C. Lincoln City Municipal Code

The land uses in the Area will conform to the zoning designations in the *Lincoln City Municipal Code, Title 17 Zoning*, including maximum densities and building requirements, and those provisions of the *Lincoln City Municipal Code*, are incorporated by reference herein. The following zoning districts are present in the Area:

Single Family Residential (R1)

Purpose: To promote and encourage a suitable 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.

Subset:

***R-1-7-5** (Single family residential 7,500 square foot minimum lot size)*

Single Family Residential, Roads End (R-1-RE)

Purpose: 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. Nonconforming uses are permitted to continue in accordance with Chapter 17.64 LCMC.

Multiple-Family Residential (R-M)

Purpose: This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.

Recreation Commercial (RC)

Purpose: The recreation-commercial zone (RC) is provided for those commercial uses having a definite relationship to the community's resort and recreation industry. Allowed herein are uses that provide food, lodging, recreational activities and services that have a resort rather than a carnival character. Residential multifamily housing is also permitted which meets demands for housing in areas of concentrated recreation services, including seasonal and retirement homes.

General Commercial (GC)

Purpose: The general commercial zone (GC) is provided to accommodate a wide range of retail commercial uses including those which attract shoppers from a community or larger market area, as well as convenience service/retail uses and single-family residential dwelling units. Retail commercial uses are those that sell services and/or products to the ultimate consumer. Also permitted as conditional

uses are low intensity fabrication uses and other limited service facilities as listed.

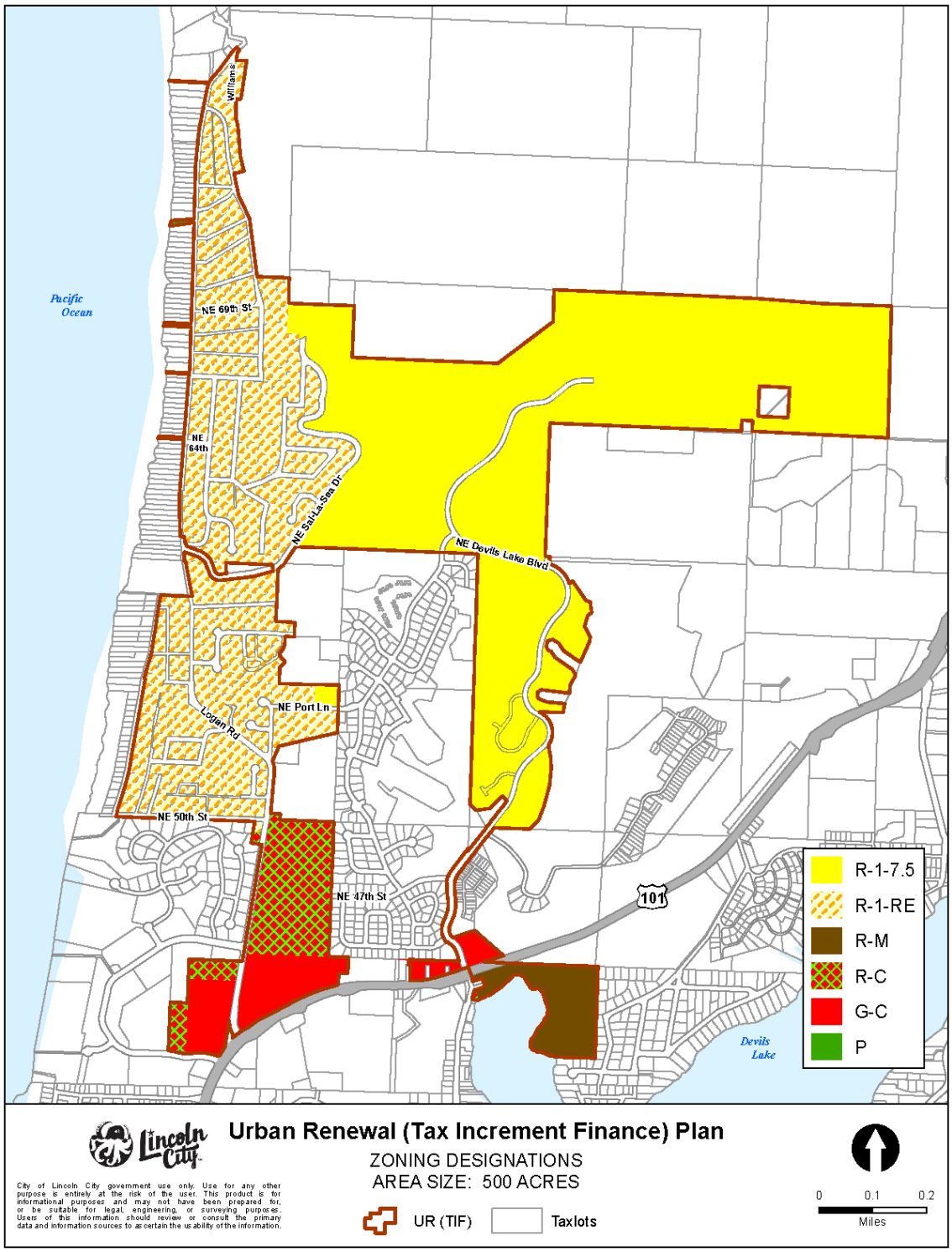
Park (P)

The purpose of the park (P) zone is to provide designated areas for parks and recreational facilities in the city.

Finding: The Plan conforms to the *Lincoln City Municipal Code Title 17* as projects, programs, and expenditures proposed in the Plan conform to the requirements in the code and support the types of uses allowed in the zoning districts present in the Area.

As the *Lincoln City Municipal Code Title 17 Zoning* is updated, this document will be updated by reference. If a substantial amendment to this Plan is completed in the future, this section will be updated to match the current zoning designations.

Figure 3 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Zoning Designations



Source: City of Lincoln City GIS

XIV. LEGAL DESCRIPTION

AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com
OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

City of Lincoln City

Urban Renewal Area

A tract of land and road rights-of-way located in the Southwest One-Quarter of Section 26, the Southeast one-Quarter of Section 27, the Northeast One-Quarter, and the Southeast One-Quarter of Section 34, the Northeast One-Quarter, the Northwest One-Quarter, the Southwest One-Quarter, and the Southeast One-Quarter of Section 35, and the Northwest One-Quarter of Section 36, Township 6 South, Range 11 West, and the Northeast One-Quarter and the Northwest One-Quarter of Section 2, and the Northeast One-Quarter of Section 3, Township 7 South, Range 11 West, Willamette Meridian, City of Lincoln City, Lincoln County, Oregon, and being more particularly described as follows:

Beginning at the southeasterly corner of Lot 15, Block 1 of the plat of “Second Foothills Addition to Roads End” (Assessor’s Map 06.11.27DD);

1. Thence along the southerly line of said Lot 15, Westerly 100 feet, more or less, to the easterly right-of-way line of NE Neptune Drive (Assessor’s Map 06.11.27DD);
2. Thence along said easterly right-of-way line, Southerly 1,039 feet, more or less, to the southerly line of Section 26 (Assessor’s Map 06.11.26);
3. Thence along said southerly line, Easterly 315 feet, more or less, to the westerly line of Deed Book 303, Page 231 (Assessor’s Map 06.11.35BB);
4. Thence along said westerly line, Southerly 55 feet, more or less, to the northerly line of Parcel 3 of Partition Plat No. 1993-17 (Assessor’s Map 06.11.35BB);
5. Thence along said northerly line, Easterly 7 feet, more or less, to the northeasterly corner of said Parcel 3 (Assessor’s Map 06.11.35BB);
6. Thence along the easterly line of said Parcel 3, Southerly 191 feet, more or less, to the southerly line of said Deed Book 303, Page 231 (Assessor’s Map 06.11.35BB);
7. Thence along said southerly line, and the easterly extension thereof, Easterly 636 feet, more or less, to the easterly line of Parcel 3 of Instrument Number 2013-05262 that bears 247.45 feet southerly, more or less, from the northeasterly corner of said Parcel 3 (Assessor’s Map 06.11.35);

8. Thence along said easterly line, Southerly 505 feet, more or less, to a point that bears 752.45 feet southerly, more or less, from said northeasterly corner (Assessor's Map 06.11.35);
9. Thence leaving said easterly line, South 87°47'18" East 1425.05 feet, more or less (Assessor's Map 06.11.35);
10. Thence North 53°13'00" East 670.78 feet, more or less, to a point on the westerly line of Parcel 5 of Instrument Number 2013-05262 that bears 318.76 feet, more or less, southerly of the northwesterly corner of said Parcel 5 (Assessor's Map 06.11.35);
11. Thence along said westerly line, Northerly 319 feet, more or less, to the northerly line of Section 35, Township 6 South, Range 11 West (Assessor's Map 06.11.35);
12. Thence along said northerly line, and continuing along the northerly line of Section 36, Township 6 South, Range 11 West, Easterly 3,302 feet, more or less, to the easterly line of Government Lot 7 (Assessor's Map 06.11.36);
13. Thence along the easterly line of said Lot 7, Southerly 1,285 feet, more or less, to the southerly line of said Lot 7 (Assessor's Map 06.11.36);
14. Thence along said southerly line, and the westerly extension thereof, Westerly 1,325 feet, more or less, to the westerly line of Section 36 (Assessor's Map 06.11.36);
15. Thence along said westerly line, Northerly 104 feet, more or less, to the northeasterly corner of Instrument Number 2019-00761 (Assessor's Map 06.11.35);
16. Thence along the northerly line of said Deed, Westerly 104 feet, more or less, to the northwesterly corner of said Deed (Assessor's Map 06.11.35);
17. Thence along the westerly line of said Deed, Southerly 104 feet, more or less, to the southerly line of Government Lot 1 of Section 35 (Assessor's Map 06.11.35);
18. Thence along said southerly line, and the westerly extension thereof, Westerly 1,875 feet, more or less, to the northwesterly corner of Parcel 1 of Partition Plat Number 2018-15, also being the easterly boundary of the plat of "Rock Creek Village" (Assessor's Map 06.11.35);
19. Thence along said easterly boundary, Southerly 1,305 feet, more or less, to the southerly line of the northeast One-Quarter of Section 35 (Assessor's Map 06.11.35);
20. Thence along said southerly line, Easterly 51 feet, more or less, to the easterly line of said plat (Assessor's Map 06.11.35);
21. Thence tracing said easterly line, Southerly 1,318 feet, more or less, to the northerly line of Tract 7 of said plat (Assessor's Map 06.11.35DB);
22. Thence along the northerly, westerly and southerly lines of said Tract 7, Southerly 874 feet, more or less, to the easterly line of Lot 8 of said plat (Assessor's Map 06.11.35DB);
23. Thence along the easterly line of said Lot 8, Southerly 192 feet, more or less, to the northeasterly corner of Tract 6 of said plat (Assessor's Map 06.11.35DC);

24. Thence along the northerly, westerly and southerly lines of said Tract 6, Southerly 648 feet, more or less, to the southeasterly corner of said Tract 6, also being on the easterly line of said Lot 8 (Assessor's Map 06.11.35DC);
25. Thence along said easterly line, Southerly 90 feet, more or less, to the southeasterly corner of said Lot 8 (Assessor's Map 06.11.35DC);
26. Thence along the southerly line of said Lot 8, Westerly 234 feet, more or less, to the easterly right-of-way line of NE Devil's Lake Boulevard (Assessor's Map 06.11.35DC);
27. Thence along said easterly right-of-way line, Southerly 386 feet, more or less, to the northeasterly corner of Lot 1 of said plat (Assessor's Map 06.11.35DC);
28. Thence along the easterly line of said Lot 1, Southerly 872 feet, more or less, to the southeasterly corner of said Lot 1 (Assessor's Map 06.11.35DC);
29. Thence along the southerly line of said Lot 1, Westerly 351 feet, more or less, to the easterly right-of-way line of NE Devil's Lake Boulevard (Assessor's Map 07.11.02AB);
30. Thence along said easterly right-of-way line, Southwesterly 1,220 feet, more or less, to the southerly line of Parcel 1 of Partition Plat No. 2015-09 (Assessor's Map 07.11.02AB);
31. Thence along said southerly line, Easterly 228 feet, more or less, to the westerly line of Tract "B" of the plat of "Devils Lake Golf and Racquet Club Estates" (Assessor's Map 07.11.02AB);
32. Thence along said westerly line, Southeasterly 374 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02AB);
33. Thence along said northwesterly right-of-way line, Westerly 203 feet, more or less, to the southerly line of Northwest One-Quarter of the Northeast One-Quarter of Section 2, Township 7 South, Range 11 West (Assessor's Map 07.11.02AB);
34. Thence along said southerly line, and continuing along the southerly line of the Northeast One-Quarter of the Northeast One-Quarter of said Section 2, Easterly 1,120 feet, more or less, to the northwesterly corner of the plat of "Crown Imperial III" (Assessor's Map 07.11.02AD);
35. Thence along the westerly line of said plat, Southerly 899 feet, more or less, to the northerly line of the plat of "Lakeside Heights" (Assessor's Map 07.11.02AC);
36. Thence along said northerly line, Westerly 389 feet, more or less, to the Mean High Water Line of Devil's Lake, as shown on said plat (Assessor's Map 07.11.02AC);
37. Thence along said Mean High Water Line, Northwesterly 1,669 feet, more or less, to the northerly line of Deed Book 185, Page 2279 (Assessor's Map 07.11.02BD);
38. Thence along said northerly line, Westerly 55 feet, more or less, to the easterly right-of-way line of NE West Devil's Lake Road (Assessor's Map 07.11.02BD);
39. Thence along said easterly right-of-way, Northerly 91 feet, more or less, to the southeasterly right-of-way line of Lake Drive (Assessor's Map 07.11.02BD);

40. Thence along said southeasterly right-of-way line, Northeasterly 106 feet, more or less, to the southerly extension of the easterly line of Lot 7, Block 5 of the plat of “Lakonia” (Assessor’s Map 07.11.02BD);
41. Thence along said southerly extension and said easterly line, Northerly 85 feet, more or less, to the northeasterly corner of said Lot 7 (Assessor’s Map 07.11.02BD);
42. Thence along the northerly line of said Lot 7, Southwesterly 100 feet, more or less, to the easterly right-of-way line of NE West Devil’s Lake Road (Assessor’s Map 07.11.02BD);
43. Thence along said easterly right-of-way line, Northerly 28 feet, more or less, to the southeasterly right-of-way line of US Highway 101 (Assessor’s Map 07.11.02BD);
44. Thence leaving said southeasterly right-of-way line, Northerly 120 feet, more or less, to the intersection of the northwesterly right-of-way line of US Highway 101 and the easterly right-of-way line of NE Devil’s Lake Boulevard (Assessor’s Map 07.11.02BD);
45. Thence along said northwesterly right-of-way line, Westerly 585 feet, more or less, to the easterly right-of-way line of NW 4th Street (Assessor’s Map 07.11.02BD);
46. Thence along said easterly right-of-way line, Northerly 157 feet, more or less, to the northerly right-of-way line of NW 4th Street (Assessor’s Map 07.11.02BD);
47. Thence along said northerly right-of-way line, Westerly 20 feet, more or less, to the vacated centerline of NW 4th Street (Assessor’s Map 07.11.02BD);
48. Thence along said vacated centerline, Northerly 50 feet, more or less, to the northerly line of the said plat of “Lakonia” (Assessor’s Map 07.11.02BD);
49. Thence along said northerly line, Easterly 497 feet, more or less, to the westerly right-of-way line of NE Devil’s Lake Boulevard (Assessor’s Map 07.11.02BD);
50. Thence along said westerly right-of-way line, Northerly 1,907 feet, more or less, to the southeasterly corner of Tract 2 of the plat of “Maplewood” (Assessor’s Map 06.11.35DC);
51. Thence along the southerly line of said Tract 2, Westerly 450 feet, more or less, to the North-South centerline of Section 35, Township 6 South, Range 11 West (Assessor’s Map 06.11.35DC);
52. Thence along said North-South centerline, Northerly 2,450 feet, more or less, to the Center of said Section 35, and the westerly south line of the plat of “Rock Creek Village” (Assessor’s Map 06.11.35);
53. Thence along said westerly south line, Westerly 1,784 feet, more or less, to the southeasterly right-of-way line of NE Sal-La-Sea Drive (Assessor’s Map 06.11.35BC);
54. Thence along said southeasterly right-of-way line, Southwesterly 278 feet, more or less, to the westerly line of Parcel 2 of Partition Plat Number 2016-07 (Assessor’s Map 06.11.35CB);
55. Thence along said westerly line, Southerly 513 feet, more or less, to the northerly line of the plat of “Belhaven at Roads End” (Assessor’s Map 06.11.35CB);

56. Thence along said northerly line, Easterly 186 feet, more or less, to the northeasterly corner of Lot 1 of said plat (Assessor's Map 06.11.35CB);
57. Thence along the easterly line of said Lot 1, and the southerly extension thereof, Southerly 139 feet, more or less, to the southerly right-of-way line NE 56th Drive (Assessor's Map 06.11.35CB);
58. Thence along said southerly right-of-way line, Westerly 78 feet, more or less, to the easterly right-of-way line of NE Mulberry Loop (Assessor's Map 06.11.35CB);
59. Thence along said easterly right-of-way line, Southerly 210 feet, more or less, to the northeasterly line of Lot 23 of said plat (Assessor's Map 06.11.35CB);
60. Thence along said northeasterly line, Southerly 83 feet, more or less, to the southeasterly line of said Lot 23 (Assessor's Map 06.11.35CB);
61. Thence along said southeasterly line, and the southwesterly extension thereof, Southwesterly 75 feet, more or less, to the northeasterly corner of Tract A of said plat (Assessor's Map 06.11.35CB);
62. Thence along the easterly line of said Tract A, Southerly 161 feet, more or less, to the southwesterly corner of Parcel 1 of Partition Plat No. 2016-07 (Assessor's Map 06.11.35CB);
63. Thence along the southerly line of said Parcel 1, Easterly 582 feet, more or less, to the westerly line of the plat of "Lincoln Palisades" (Assessor's Map 06.11.35CA);
64. Thence along said westerly line, and the southerly extension thereof, Southerly 465 feet, more or less, to the southeasterly corner of Deed Book 84, Page 649 (Assessor's Map 06.11.35CC);
65. Thence along the southeasterly line of said Deed, and the southwesterly extension thereof, Southwesterly 584 feet, more or less, to the northwesterly corner of Parcel 1 of Instrument Number 2019-05924 (Assessor's Map 06.11.35CC);
66. Thence along the westerly line of said Parcel 1, Southerly 159 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.35CC);
67. Thence along said easterly right-of-way line, Southerly 516 feet, to the northwesterly corner of Instrument Number 2015-11132 (Assessor's Map 06.11.35CC);
68. Thence along the northerly line of said Deed, Easterly 100 feet, more or less, to the northeasterly corner of said Deed (Assessor's Map 06.11.35CC);
69. Thence along the easterly line of said Deed, Southerly 60 feet, more or less, to the southerly line of Section 35 (Assessor's Map 06.11.35CC);
70. Thence along said southerly line, Easterly 530 feet, more or less, to the westerly line of the plat of "Pacific Rim Estates" (Assessor's Map 07.11.02BA);
71. Thence along said westerly line and the westerly line of the plat of "Garden Estates", Southerly 1,318 feet, more or less, to the southerly line of said "Garden Estates" plat (Assessor's Map 07.11.02BA);
72. Thence along said southerly line, Easterly 195 feet, more or less, to the northeasterly corner of Instrument Number 2003-19550 (Assessor's Map 07.11.02B);

73. Thence along the easterly line of said Deed, Southerly 361 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02B);
74. Thence along said northwesterly right-of-way line, Southwesterly 1,162 feet, more or less, to the easterly line of Lincoln County Court Case #860640 (Assessor's Map 07.11.02B);
75. Thence along said easterly line, Northerly 175 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 07.11.02B);
76. Thence along said westerly right-of-way line, Southerly 262 feet, more or less, to the northwesterly right-of-way line of US Highway 101 (Assessor's Map 07.11.02B);
77. Thence along said northwesterly right-of-way line, Southwesterly 120 feet, more or less, to the northerly right-of-way line of NW 40th Street (Assessor's Map 07.11.02B);
78. Thence along said northerly right-of-way line, Westerly 485 feet, more or less, to the southeasterly corner of Lot 62 of the plat of "Lincoln Star Shore Resorts" (Assessor's Map 07.11.03A);
79. Thence along the easterly line of said Lot 62, Northerly 475 feet, more or less, to the southwesterly corner of Lot 65 of said plat (Assessor's Map 07.11.03A);
80. Thence along the southerly most line of said Lot 65, Easterly 170 feet, more or less, to the southerly easterly line of said Lot 65 (Assessor's Map 07.11.03A);
81. Thence along said southerly easterly line, Northerly 424 feet, more or less, to the easterly southerly line of said Lot 65 (Assessor's Map 07.11.03A);
82. Thence along said easterly southerly line and continuing along the southerly line of Lot 66 of said plat, and the easterly extension thereof, Easterly 522 feet, more or less, to the centerline of NE/NW Logan Road (Assessor's Map 07.11.02B);
83. Thence along said centerline, Northerly 1,150 feet, more or less, to the easterly extension of the easterly northerly line of Lot 48 of said "Lincoln Star Shore Resort" plat (Assessor's Map 07.11.02BB);
84. Thence along said easterly extension and said easterly northerly line, Westerly 109 feet, more or less, to the northerly easterly line of said Lot 48 (Assessor's Map 07.11.02BB);
85. Thence along said northerly easterly line, and the northerly extension thereof, Northerly 214 feet, more or less, to the southerly right-of-way line of NW 50th Street (Assessor's Map 07.11.02BB);
86. Thence along said southerly right-of-way line, Westerly 1,354 feet, more or less, to the southerly extension of the easterly right-of-way line of NW Jetty Avenue (Assessor's Map 06.11.34DD);
87. Thence along said southerly extension and said easterly right-of-way line, Northerly 2,223 feet, more or less, to the southerly right-of-way line of NW 59th Street (Assessor's Map 06.11.34DA);
88. Thence along said southerly right-of-way line, Easterly 270 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34DA);

89. Thence leaving said westerly right-of-way line, at right angles, Easterly 40 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34DA);
90. Thence along said easterly right-of-way line, Northerly 450 feet, more or less, to the southerly right-of-way line of NE Sal-La-Sea Drive (Assessor's Map 06.11.34AD);
91. Thence along said southerly right-of-way line, Easterly 1,004 feet, more or less, to a point which bears South 00°00'00" East 62.77 feet, more or less, from the southerly southeast corner of Lot 1 of the plat of "Rau Addition to Roads End" (Assessor's Map 06.11.35CB);
92. Thence leaving said southerly right-of-way line, Northerly 63 feet, more or less, to the said southerly southeasterly corner (Assessor's Map 06.11.35CB);
93. Thence along the southerly line of said Lot 10, and the westerly extension thereof, Westerly 456 feet, more or less, to the northeasterly corner of Deed Book 69, Page 44 (Assessor's Map 06.11.35CB);
94. Thence along the easterly line of said Deed, Southerly 105 feet, more or less, to the northerly right-of-way line of NE Sal-La-Sea Drive (Assessor's Map 06.11.35CB);
95. Thence along said northerly right-of-way line, Northwesterly 518 feet, more or less, to the easterly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
96. Thence along said easterly right-of-way line, Northerly 96 feet, more or less, to the southerly line of Lot 68 of the plat of "First Addition to Roads End" (Assessor's Map 06.11.34AD);
97. Thence along said southerly line, and the westerly extension thereof, Westerly 40 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
98. Thence along said westerly right-of-way line, Northerly 952 feet, more or less, to the northerly line of Lot 31 of said plat (Assessor's Map 06.11.34AD);
99. Thence along the said northerly line, and the westerly extension thereof, Westerly 251 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AD);
100. Thence along said Approximate Mean High Water Line, Northerly 21 feet, more or less, to the westerly extension of the southerly line of Lot 29 of said plat (Assessor's Map 06.11.34AD);
101. Thence along said westerly extension and said southerly line, Easterly 246 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AD);
102. Thence along said westerly right-of-way line, Northerly 620 feet, more or less, to the northerly line of Lot 5 of said plat (Assessor's Map 06.11.34AA);
103. Thence along said northerly line, and the westerly extension thereof, Westerly 220 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AA);

104. Thence along said Approximate Mean High Water Line, Northerly 11 feet, more or less, to the westerly extension of the southerly line of Lot 3 of said plat (Assessor's Map 06.11.34AA);
105. Thence along said westerly extension and said southerly line, Easterly 224 feet, more or less, to the westerly right-of-way line of NE/NW Logan Road (Assessor's Map 06.11.34AA);
106. Thence along said westerly right-of-way line, Northerly 449 feet, more or less, to the northerly line of Lot 7 of the said unrecorded plat (Assessor's Map 06.11.34AA);
107. Thence along said northerly line, and the westerly extension thereof, Westerly 268 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.34AA);
108. Thence along said Approximate Mean High Water Line, Northerly 34 feet, more or less, to the westerly extension of the southerly line of Lot 8 of said plat (Assessor's Map 06.11.34AA);
109. Thence along said westerly extension and said southerly line, Easterly 263 feet, more or less, to the westerly right-of-way of NW/NE Logan Road (Assessor's Map 06.11.34AA);
110. Thence along said westerly right-of-way line, Northerly 991 feet, more or less, to the southeasterly corner of Instrument Number 2019-07121 (Assessor's Map 06.11.27DD);
111. Thence along the southerly line of said Deed, and the westerly extension thereof, Westerly 240 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.27DD);
112. Thence along said Approximate Mean High Water Line, Northerly 58 feet, more or less, to the westerly extension of the northerly line of said Deed (Assessor's Map 06.11.27DD);
113. Thence along said westerly extension and said northerly line, Easterly 226 feet, more or less, to the westerly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DD);
114. Thence along said westerly right-of-way line, Northerly 1,336 feet, more or less, to the northerly line of Lot 52 of said unrecorded plat (Assessor's Map 06.11.27DA);
115. Thence along said northerly line, and the westerly extension thereof, Westerly 389 feet, more or less, to the Approximate Mean High Water Line of the Pacific Ocean (Assessor's Map 06.11.27DA);
116. Thence along said Approximate Mean High Water Line, Northerly 10 feet, more or less, to the westerly extension of the southerly line of Lot 53 of said unrecorded plat (Assessor's Map 06.11.27DA);
117. Thence along said westerly extension and said southerly line, Easterly 389 feet, more or less, to the westerly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DA);
118. Thence along said westerly right-of-way line, Northeasterly 441 feet, more or less, to the northeasterly right-of-way line of NW/NE Logan Road (Assessor's Map 06.11.27DA);

119. Thence along said northeasterly right-of-way line, Southeasterly 40 feet, more or less, to the easterly right-of-way of NW/NE Logan Road (Assessor's Map 06.11.27DA);
120. Thence along said easterly right-of-way line, Southwesterly 26 feet, more or less, to the easterly right-of-way line of NE Williams Court (Assessor's Map 06.11.27DA);
121. Thence along said easterly right-of-way line, Southerly 83 feet, more or less, to a point that bears southerly 15.00 feet, more or less, from the northwesterly corner of Parcel 1 of Partition Plat No. 2002-01 (Assessor's Map 06.11.27DA);
122. Thence Easterly 101 feet, more or less, to the northeasterly corner of said Parcel 1 (Assessor's Map 06.11.27DA);
123. Thence along the easterly line of said Parcel 1, and the southerly extension thereof, Southerly 381 feet, more or less, to the southeasterly corner of Instrument Number 2014-04933 (Assessor's Map 06.11.27DA);
124. Thence along the southerly line of said Deed, Westerly 49 feet, more or less, to the easterly line of the plat of "Swalko Addition to Roads End" (Assessor's Map 06.11.27DA);
125. Thence along said easterly line and continuing along the easterly line of the plat of "Second Foothills Addition to Roads End", Southerly 710 feet, more or less, to the Point of Beginning (Assessor's Map 06.11.27DD);

Excepting therefrom the following parcel: (See Map Sheet 02)

Excepting Parcel as described in Ordinance No. 86-03, described as follows:

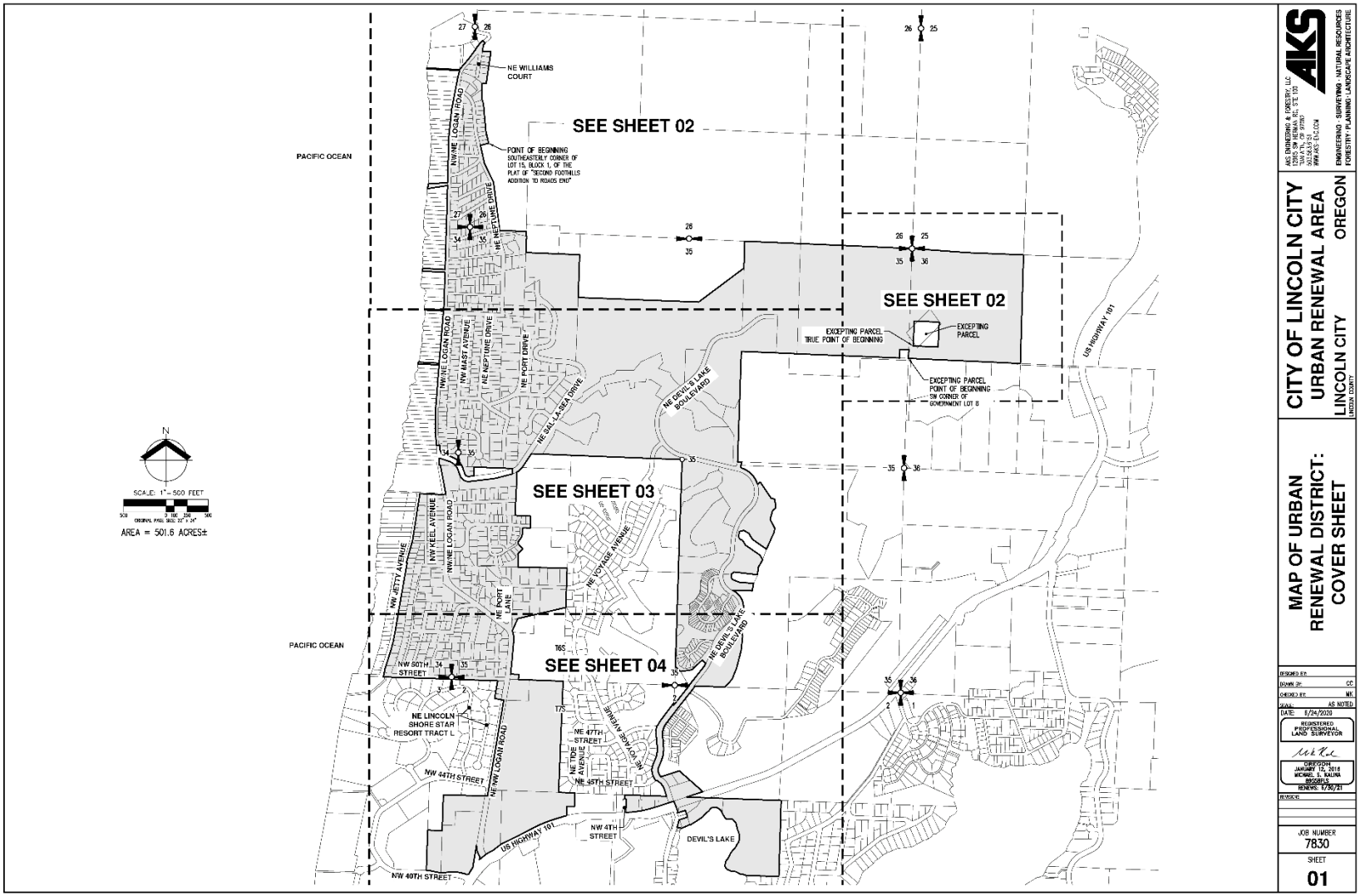
Beginning at the southwest corner of Government Lot 8 of Section 36 (Assessor's Map 06.11.36);

200. Thence leaving said Southwest Corner, North 20°51'49" East 157.69 to the intersection of a line that is parallel with and 54.00 feet easterly of the westerly line of said Lot 8 and a line that is parallel with and 150.00 feet northerly of the southerly line of said Lot 8, said intersection being the True Point of Beginning (Assessor's Map 06.11.36);
201. Thence along said westerly parallel line, Northerly 295 feet, more or less, to a line that is parallel with and 445.00 feet northerly of the southerly line of said Lot 8 (Assessor's Map 06.11.36);
202. Thence along said parallel line, Easterly 295 feet, more or less, to a line that is parallel with and 349.00 feet easterly of the westerly line of said Lot 8 (Assessor's Map 06.11.36);
203. Thence along said parallel line, Southerly 295 feet, more or less, to a line that is parallel with and 150.00 feet northerly of the southerly line of said Lot 8 (Assessor's Map 06.11.36);

204. Thence along said parallel line, Westerly 295 feet, more or less, to the True Point of Beginning.

The above described tract of land contains 501.6 acres, more or less.

6/24/2020



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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
OREGON

LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT: COVER SHEET

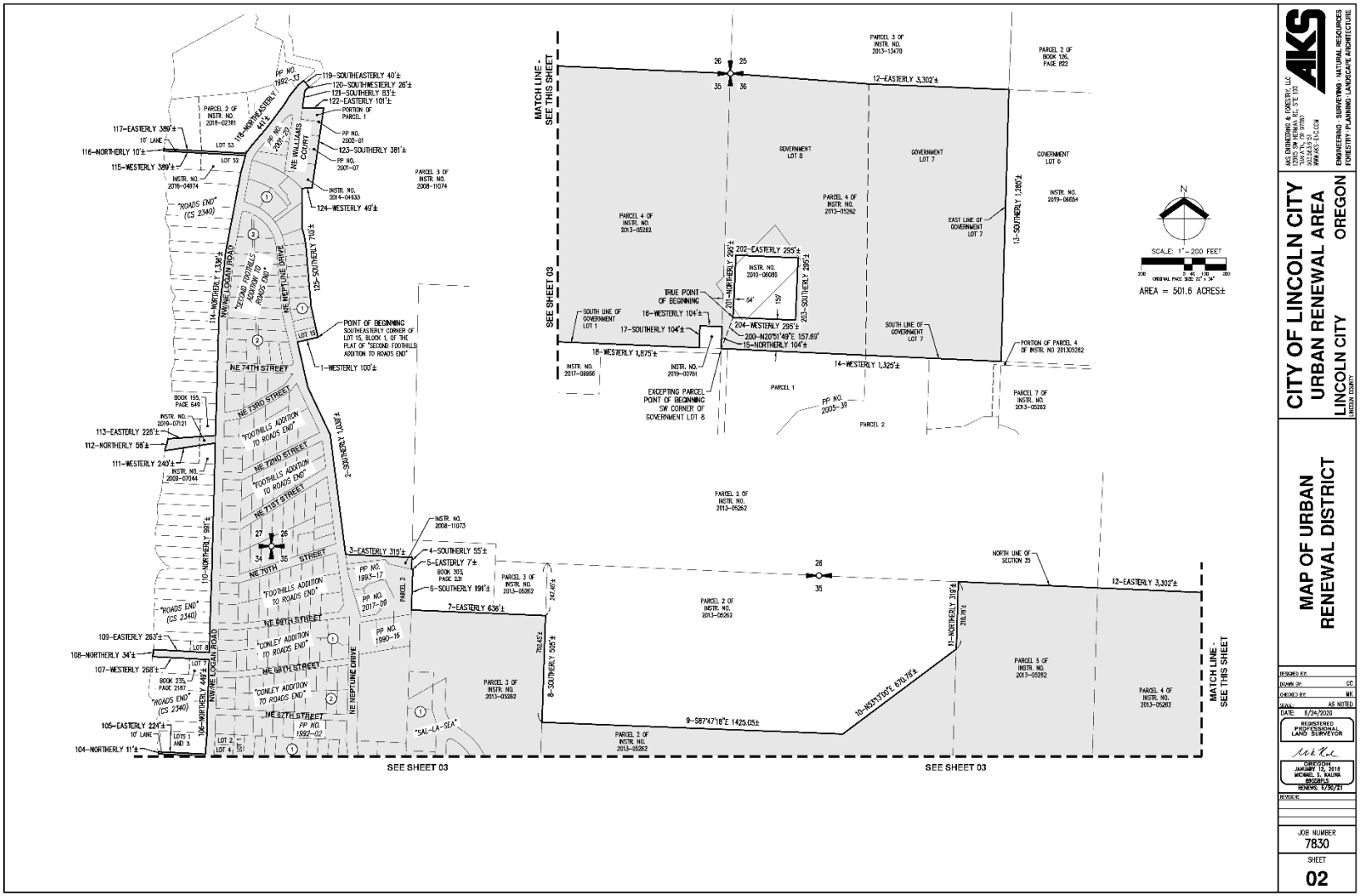
DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 89308PLS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER
7830

SHEET
01



CITY OF LINCOLN CITY
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OREGON
LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT

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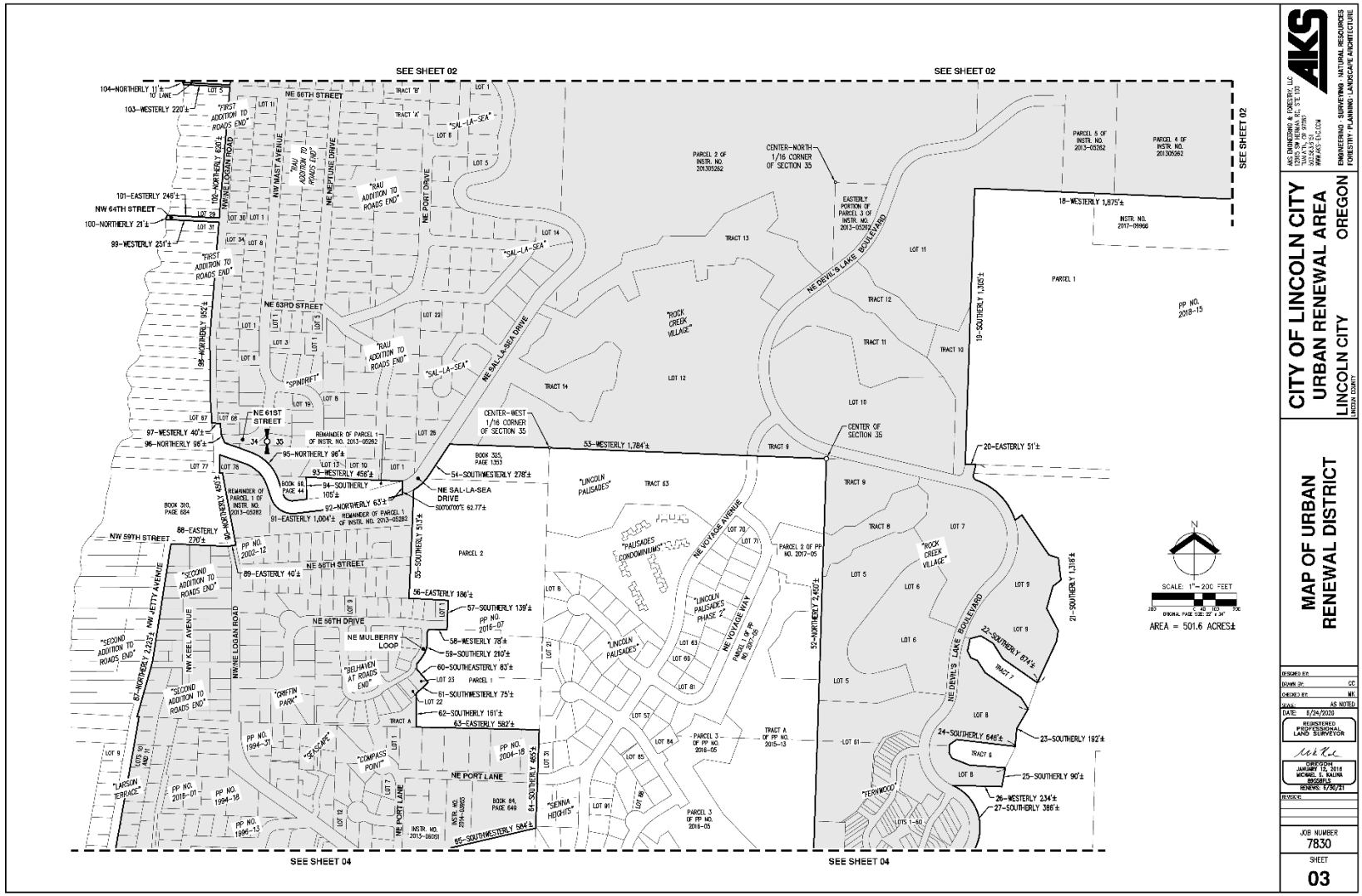
DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 85008LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER 7830

SHEET 02



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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
LINCOLN CITY — OREGON
LINCOLN COUNTY

MAP OF URBAN RENEWAL DISTRICT

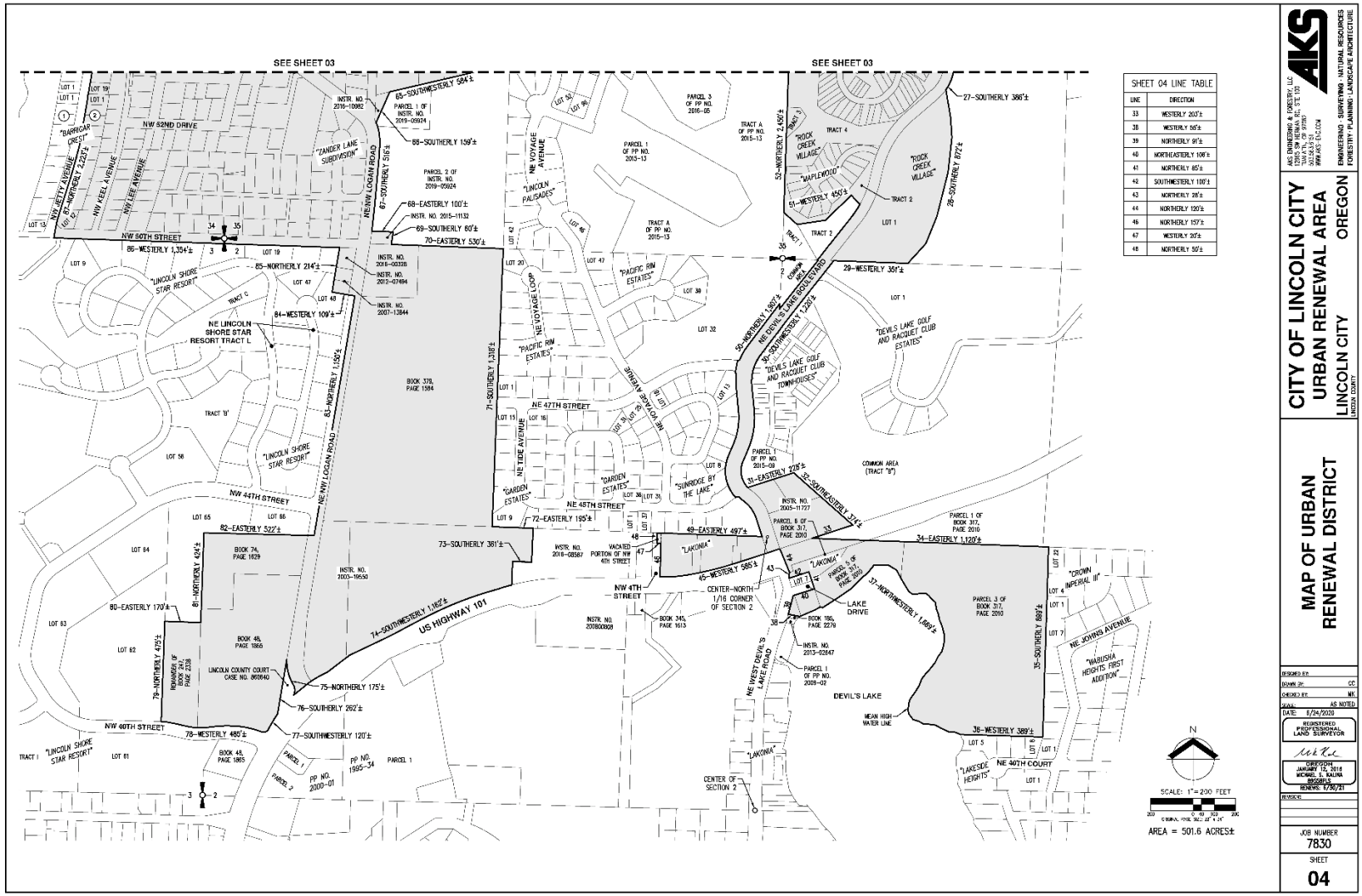
DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 65008LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER 7830

SHEET 03



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CITY OF LINCOLN CITY
URBAN RENEWAL AREA
OREGON

LINCOLN CITY
LINCOLN COUNTY

MAP OF URBAN
RENEWAL DISTRICT

DESIGNED BY:
DRAWN BY: CC
CHECKED BY: MK
SCALE: AS NOTED
DATE: 8/24/2020

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JANUARY 12, 2010 MICHAEL S. KALINA 65008LS
RENEWS: 6/30/21

REVISIONS:

JOB NUMBER
7830

SHEET
04

Report Accompanying the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

Adopted by the City of Lincoln City

August 10, 2020

Ordinance No. 2020-20

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LIST OF PARTICIPANTS

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
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I. DEFINITIONS

"Agency" means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

"Annual report" is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

"Area" or "urban renewal area" or "TIF Area" means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

"Blight" is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

"Board of Commissioners" means the Lincoln County Board of Commissioners.

"City" means the City of Lincoln City, Oregon.

"City Council" or "Council" means the Lincoln City City Council.

"Comprehensive Plan" means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

"County" means Lincoln County, Oregon.

"Fiscal year" means the year commencing on July 1 and closing on June 30.

"Frozen base" means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

"Increment" means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

"Maximum indebtedness" means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

"Municipality" means any county or any city in the state of Oregon.

"ORS" means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

"Planning Commission" means the Lincoln City Planning Commission.

"Project(s)" or "TIF Project(s)" means any work or undertaking carried out under the TIF Plan.

"Report Accompanying TIF Plan" or "Report" means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

This Report on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Report) contains background information and project details that pertain to the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the Lincoln City City Council (City Council) as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.085(3), including financial feasibility. The Report contains the information required by ORS 457.085, including:

- A description of the physical, social, and economic conditions in the area;(ORS 457.085(3)(a))
- Expected impact of the Plan, including fiscal impact in light of increased services; (ORS 457.085(3)(a))
- Reasons for selection of the Area; (ORS 457.085(3)(b))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.085(3)(c))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.085(3)(d))
- The estimated completion date of each project; (ORS 457.085(3)(e))
- The estimated amount of funds required in the area and the anticipated year in which the debt will be retired; (ORS 457.085(3)(f))
- A financial analysis of the Plan; (ORS 457.085(3)(g))
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the urban renewal or TIF Area; (ORS 457.085(3)(h)) and
- A relocation report. (ORS 457.085(3)(i))

The relationship of the sections of the Report and the ORS 457.085(3) requirements is shown in Table 1. The specific reference in the table below is the section of this Report that most addresses the statute. There may be other sections of the Report that also address the statute.

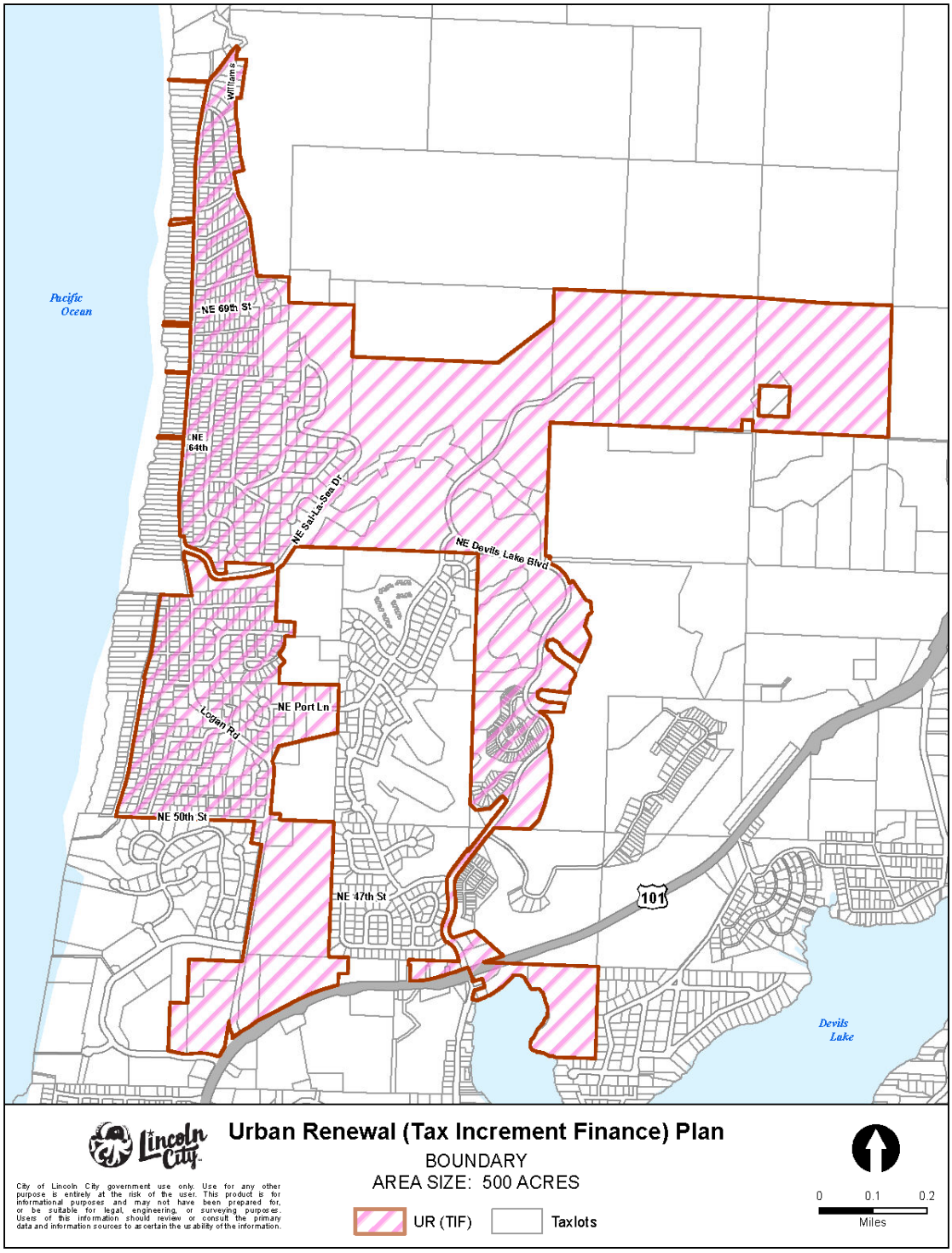
Table 1 - Statutory References

Statutory Requirement	Report Section
ORS 457.085(3)(a)	XI
ORS 457.085(3)(b)	XII
ORS 457.085(3)(c)	III
ORS 457.085(3)(d)	IV
ORS 457.085(3)(e)	VII
ORS 457.085(3)(f)	V,VI
ORS 457.085(3)(g)	V,VI
ORS 457.085(3)(h)	IX
ORS 457.085(3)(i)	XIII

The Report provides guidance on how the Plan might be implemented. The Lincoln City Urban Renewal Agency (Agency) has the authority to make adjustments to the implementation assumptions in this Report, as it reviews revenues and potential projects each year. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan. These adjustments must stay within the confines of the overall maximum indebtedness of the Plan and statutory limitations.

Note on language: This Report, wherever applicable and permissible, uses the term Tax Increment Financing or TIF rather than “urban renewal”. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Report.

Figure 1 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Boundary



Source: City of Lincoln City GIS

III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL (TIF) AREA PROJECTS AND THE EXISTING CONDITIONS IN THE AREA.

The Projects identified and authorized for the Area are described below, including how they relate to the existing conditions in the Area. The existing conditions were identified by City staff and through review of City documents.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.

  Existing Conditions:
  There is presently a limited transportation network from Roads End to the Villages at Cascade Head. The area can be reached through NE Sal La Sea Drive. There is a need for an extended transportation network in the Area.

- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.

  Existing Conditions:
  Safety improvements to Logan Road/NE Port Lane were identified in the Transportation System Plan (TSP) and this project is on page 28 project D2.

- Safety improvements including but not limited to
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies

  Existing Conditions:
  Logan Road has inadequate pedestrian striping between 50th Street and Roads End State Park. There is a 250 foot sidewalk gap on the west side of NW Logan Road between Highway 101 and NW 50th Street. There are sidewalk/pathway deficiencies along the north side of Highway 101 from NE West Devils Lake Road to NW Logan Road, including the 350 feet segment on the east side of Logan Road at the Highway 101 intersection.

- Improved public parking on and off-street; could include Sal-La-Sea Drive second parking lot.

  Existing Conditions:
  There is no parking lot on Sal-La-Sea Drive. There is need for additional parking resources.

- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvements include but are not limited to sidewalks/pathways.

Existing Conditions:
This section of roadway does not exist. The road presently ends just west of NE Tide Avenue. There are no sidewalks/pathways in this Area. The Area lacks an adequate transportation network and safety for pedestrians and bicyclists.

- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works

  Existing Conditions:
  There are existing traffic signals at these locations, but they do not provide adequate pedestrian safety. They do not have coordinated signal timing, upgraded controllers nor communication.

- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects

  Existing Conditions:

  Existing transportation infrastructure that residents use on a daily basis includes sidewalks, bike lanes, shared-use paths, roadways, and transit. Outside of areas in southern Lincoln City, sidewalks along Highway 101 are discontinuous or absent. Off of Highway 101, continuous sidewalks are rare.

- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

  Existing Conditions:

  There is no bus system for recreation areas. There is not a Park and Ride in the North End.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to economic development toolbox, land acquisition, construction of visitor and educational facilities, work force housing, and child care facilities in support of City efforts and construction of visitor and educational facilities.

  Existing Conditions:

There is significant undeveloped land in the Villages at Cascade Head master plan community. Much of this land is not contributing to the property tax rolls. Development of this property will add to the community livability by providing services and also provide additional housing opportunities in the Area.

C. Parks and Open Space

- Improved access to trail heads and parking for recreation partner trails.

  Existing Conditions:
  The Knoll is an Open Space feature and focal point of the Villages at Cascade Head master plan community. 360 acres of the Villages at Cascade Head master plan community are owned by the City. Except for Open Space, the City expects that most of the Villages will develop with residential and commercial uses. The area has many natural amenities. The topography of the Villages ranges from steep slopes to low drainage ways and wetlands. The pristine area of upland forest, stream valleys, and wetlands provides a stunning addition to the Lincoln City inventory. At its topographic apex, sweeping views to the south over the city, Pacific Ocean, and Devils Lake will be a compelling area for visitors and residents alike. There are opportunities to add trails, trail heads, interpretive areas, nature play and other recreational activities suited to large nature areas. The specific challenges in this area are:

  - Steep topography, wetlands, and high natural resource values will limit development.
  - Installing a road network and fire, water, and sewer service infrastructure will increase costs for parks that precede adjacent development.[1]

- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

  Existing Conditions:
  Improved access to pathways, sidewalks, trail connections neighborhood and community parks, ocean beaches and natural areas is a component of the *Lincoln City Parks and Recreation System Plan*. There are deficiencies in these connections throughout the Area as identified on pages 22,27,37,38, and 39.

- The Villages Neighborhood Park A

[1] *Lincoln City Parks & Recreation System Plan* 2016, p 11

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Existing Conditions:
The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Community Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101

  Existing Conditions:
  This project is identified in the Transportation System Plan, page 38. There are presently gaps in the Head to Bay Trail along the west side of NE West Devils Lake Road between NE 26th Street and NE Port Avenue.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and man-built systems so as to protect the integrity of the drainage system.

  Existing Conditions:

There is no Storm Drainage Master Plan for the Area. There are known issues of flooding during storm activity and known natural drainage issues. These need to be identified through a study and mitigated through identified projects.

- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.

  Existing Conditions:
  Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth. There are a total of 3 culverts – two under Logan Rd, one on top of the other, and a second location under the unpermitted road that connects to Sal La Sea. The second culvert location under the unpermitted gravel road should be removed.[2]

- Public utility improvements to include but not limited to power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

  Existing Conditions:
  There are locations in the Area, specifically along Devils Lake Boulevard, that do not have full public utility service.

- Improved infrastructure to support long-range water security for Area.

  Existing Conditions:

  There is no Storm Drainage Master Plan for the Area. There is a need to provide services for new and existing development.

- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

  Existing Conditions:
  Existing water, sanitary sewer and storm lines in the Roads End/Villages at Cascade Head area are in fair condition and many approaching excepted lifespan or are lacking.

- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

  Existing Conditions:
  The sewer pump station for Roads End North and Neotsu needs pipes to be 1 meter each. This project is identified in City long-term capital plans.

- Improve water line from 69th Street to Williams Court and providing sewer

[2] Email from Stephanie Reid, PE City Engineer on October 14, 2019

lines to unsewered areas.

Existing Conditions:
There are unsewered areas where public sewer needs to be provided. There are approximately 950 feet of 2-inch water distribution pipe line with 6-inch diameter pipe line in the Roads End area. The 2-inch diameter pipe is undersized to serve the existing domestic water needs and is inadequate to provide fire flows to the area.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrians.

  Existing Conditions:
  Wayfinding signage is incomplete in the Area. Wayfinding Signage is identified in the Transportation System Plan on page 7, objective 2d. It is also identified as a project in Table I: Install wayfinding signage to assist pedestrians and bicyclists in choosing comfortable routes and to help visitors navigate through the city.

- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

  Existing Conditions:
  Most utility poles in the Area are above ground.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

Existing Conditions:
The *Lincoln City Emergency Operations Plan*[3] was adopted in March of 2012 and updated in 2018. As part of this planning, and future planning and updating, capital projects will be warranted to assist in emergency preparedness. Those specific projects are not presently identified, but it is anticipated over the life of this Plan that there will be capital project needs in the future.

G. Plan Administration

Provide for the administration of the Plan. Examples of eligible projects include:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

Existing Conditions:
There is no existing urban renewal area in the Roads End/Villages at Cascade Head Area, therefore no ability to collect tax increment revenues. Once this Plan is adopted, a tax increment revenue stream will be established, providing a revenue source to pay for administration in the Area.

[3] *City of Lincoln City, Lincoln County, Oregon Emergency Operations Plan*, Ecology and Environment, Inc., March 2012, with modifications February 2018.

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The cost estimates for Projects are shown are in Table 2 below. These are all estimates acknowledging that the Area portions of these project activities must fit within the maximum indebtedness. These costs are shown in year of expenditure (YOE) dollars, which assumes inflation of 3.0% annually.

The Plan assumes that the Agency will use other funds to assist in the completion of the projects within the Area. These sources include but are not limited to City of Lincoln City General Funds, SDCs, local, state and federal grants, and other sources as identified by the Agency. The Agency may pursue regional, county, state, and federal funding, private developer contributions and any other sources of funding that may assist in the implementation of the projects.

The Agency will be able to review and update fund expenditures and allocations on an annual basis when the annual budget is prepared. It is anticipated that the Agency will conduct a Community Vision exercise for the Area that will establish priorities once sufficient funding is available.

Table 2 - Estimated Cost of Each Project

Project Title	Project Cost (YOE$)	Percentage of Total Project Cost
Transportation	$39,069,795	44.89%
Economic Development	$17,230,090	19.80%
Parks/Trails/Open Space	$8,723,501	10.02%
Public Works/Utilities	$5,081,677	5.84%
Community Connections/Appearance	$3,514,863	4.04%
Emergency Preparedness	$1,693,931	1.95%
Plan Administration [4]	$11,728,708	13.47%
TOTAL:	$87,042,561	100.00%

Source: City of Lincoln City and Tiberius Solutions

[4] Plan Administration includes $566,000 of financing fees and $422,063 for Planning and Community Involvement including Community Visioning

V. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2048 are calculated based on projections of the growth assessed value of existing property and new development within the Area, and the consolidated tax rate that will apply to the Area.

The rate of growth for existing development was projected to be 3%. Table 3 shows the assumptions used for new development in the Area and when that new development is expected to go on the tax rolls. These are assumptions of development; however, market conditions may change these assumptions.

Table 3 – Incremental Assessed Value Growth Assumptions

FYE	Phase I Residential	Phase 1 Commercial	Phase 2	Total AV 2020$
2024	1,200,000	5,661,262		
2025	1,200,000	5,661,262		7,242,033
2026	1,200,000			7,242,033
2027	1,200,000			1,236,000
2028	1,200,000		9,200,000	1,236,000
2029	1,200,000		9,200,000	10,712,000
2030	1,200,000		9,200,000	10,712,000
2031	1,200,000		9,200,000	10,712,000
2032	1,200,000		9,200,000	10,712,000
2033	1,200,000		9,200,000	10,712,000
2034	1,200,000		9,200,000	10,712,000
2035			9,200,000	9,476,000
2036			9,200,000	9,476,000
2037			9,200,000	9,476,000
2038			9,200,000	9,476,000
2039			9,200,000	9,476,000
2040			9,200,000	9,476,000
2041			9,200,000	9,476,000
2042			9,200,000	9,476,000
2043			9,200,000	9,476,000
2044			9,200,000	9,476,000
2045			9,200,000	9,476,000
2046			9,200,000	9,476,000
2047			9,200,000	9,476,000

Source: City of Lincoln City and Tiberius Solutions

These projections of growth are the basis for the projections in Table 8, Table 9, Table 10 and Table 11.

The first year of tax increment collections is anticipated to be FYE 2022. Gross TIF[5] is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand." The consolidated tax rate includes permanent tax rates only, and excludes general obligation bonds and local option levies, which will not be impacted by this Plan.

The tax rates in the Area are shown in Table 4.

Table 4 – Taxing District Rates

	Tax Code	**Tax Code**	**Tax Code**	**Tax Code**	**Tax Code**	**Tax Code**
Taxing District	**402 412**	**407 416**	**408**	**410**	**414**	**473**
Jurisdiction Name	Rate	Rate	Rate	Rate	Rate	Rate
Lincoln County General	2.8202	1.1124	2.8202	2.8202	2.8202	2.8202
Lincoln County Animal Services	0.1100	5.6335	0.1100	0.1100	0.1100	0.1100
Lincoln County Extension	0.0451	-	0.0451	0.0451	0.0451	0.0451
Lincoln County Transport	0.0974	0.0600	0.0974	0.0974	0.0974	0.0974
City of Lincoln City	4.0996	6.8059	4.0996	4.0996	4.0996	4.0996
Road - Lake Point	-	0.5296	0.4669	-	-	-
Lincoln Fire & Rescue #1	0.6783	4.0815	0.6783	0.6783	-	-
Water - Dev Lake In	-	0.4551	0.2499	-	-	-
North Lincoln Health	0.5184	5.0662	0.5184	0.5184	0.5184	0.5184
Water - Dev Lake Out	0.1280	-	-	-	0.1280	
Lincoln County School	4.9092	4.9092	4.9092	4.9092	4.9092	4.9092
Oregon Coast Comm. College	0.1757	0.1757	0.1757	0.1757	0.1757	0.1757
ESD Linn-Benton	0.3049	0.3049	0.3049	0.3049	0.3049	0.3049
TOTAL:	13.8868	14.0087	14.4756	13.7588	13.2085	13.0805

Source: Lincoln County Assessor and Tiberius Solutions

Table 5 shows the incremental assessed value, tax rates and tax increment revenues each year, adjusted for discounts, and delinquencies, truncation loss, and receipt of delinquent taxes from prior years. The projections assume an annual growth rate of 3.0% for assessed value in the Area plus new development as shown in Table 3. Table 5 also indicates the mandatory revenue sharing as directed by the City Council and incorporated as a provision of the Plan. The revenue sharing is either 15% of the total assessed value increases including both increases on existing property and increases due to new development or revenue sharing as dictated by ORS 457.470, whichever is higher. Figure 2 shows expected TIF revenues over time, the expected revenue sharing and the projected tax revenues after termination of the Area.

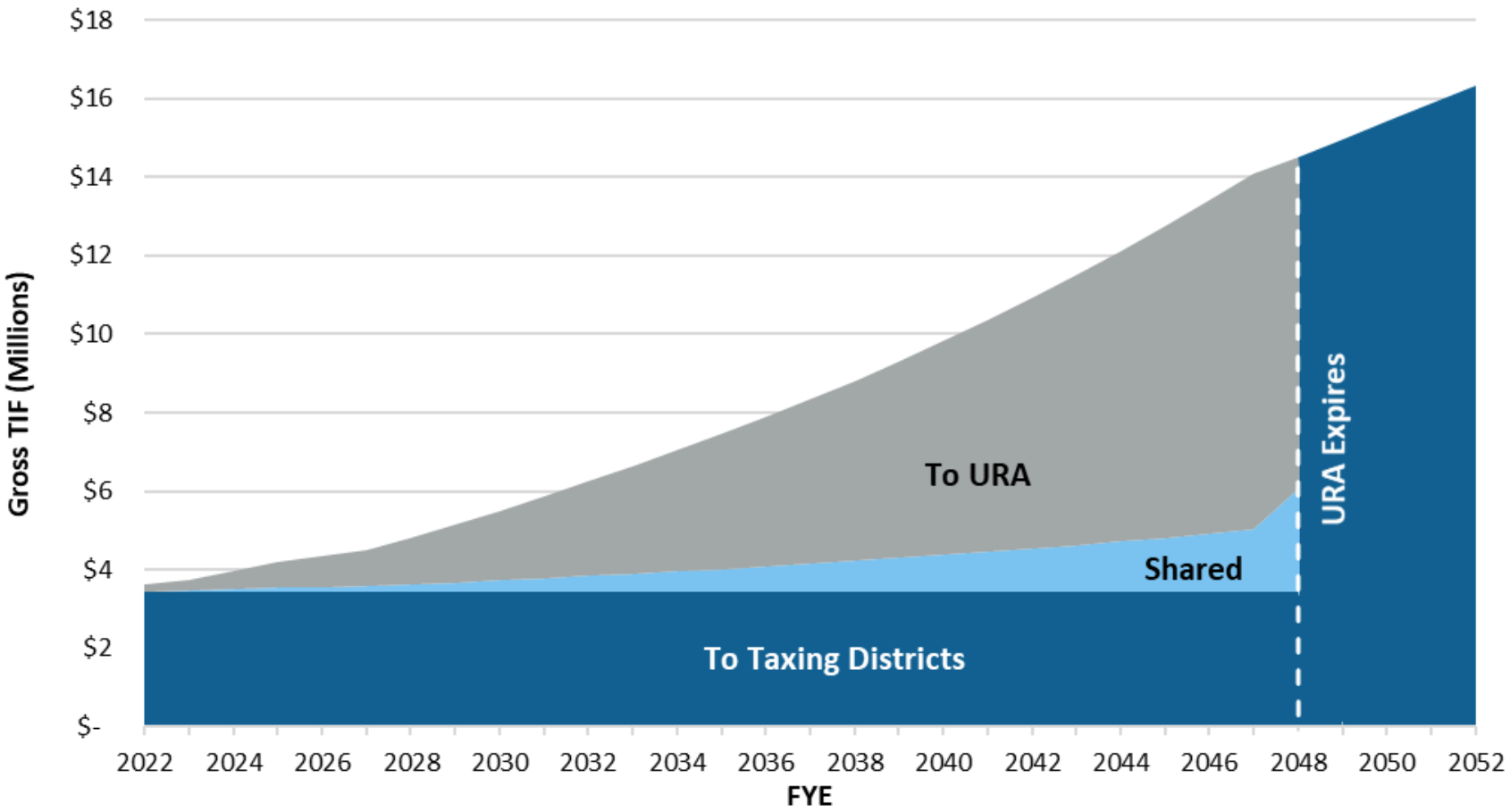
[5] TIF is also used to signify tax increment revenues

Table 5 - Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Total AV	Frozen Base AV	Increment Applied	Increment Shared	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2022	263,090,114	248,091,196	12,749,104	2,249,814	13.7660	175,504	(8,775)	166,729	-	166,729
2023	270,928,713	248,091,196	19,411,909	3,425,608	13.7660	267,225	(13,361)	253,864	2,501	256,365
2024	287,153,375	248,091,196	33,202,877	5,859,302	13.7661	457,076	(22,854)	434,222	3,808	438,030
2025	304,109,560	248,091,196	47,615,609	8,402,755	13.7662	655,486	(32,774)	622,712	6,513	629,225
2026	314,654,649	248,091,196	56,578,917	9,984,536	13.7662	778,876	(38,944)	739,932	9,341	749,273
2027	325,560,339	248,091,196	65,848,782	11,620,361	13.7662	906,486	(45,324)	861,162	11,099	872,261
2028	348,843,005	248,091,196	85,639,026	15,112,783	13.7662	1,178,926	(58,946)	1,119,980	12,917	1,132,897
2029	373,231,207	248,091,196	106,369,041	18,770,970	13.7663	1,464,304	(73,215)	1,391,088	16,800	1,407,888
2030	398,769,894	248,091,196	128,076,875	22,601,823	13.7663	1,763,142	(88,157)	1,674,985	20,866	1,695,851
2031	425,506,436	248,091,196	150,802,925	26,612,315	13.7663	2,075,998	(103,800)	1,972,198	25,125	1,997,323
2032	453,489,622	248,091,196	174,588,643	30,809,783	13.7663	2,403,441	(120,172)	2,283,269	29,583	2,312,852
2033	482,770,775	248,091,196	199,477,651	35,201,928	13.7663	2,746,073	(137,304)	2,608,770	34,249	2,643,019
2034	511,533,190	248,091,196	223,925,717	39,516,277	13.7663	3,082,635	(154,132)	2,928,503	39,132	2,967,635
2035	541,588,688	248,091,196	249,472,843	44,024,649	13.7663	3,434,326	(171,716)	3,262,610	43,928	3,306,538
2036	572,988,381	248,091,196	276,162,588	48,734,597	13.7663	3,801,748	(190,087)	3,611,660	48,939	3,660,600
2037	605,785,858	248,091,196	304,040,476	53,654,186	13.7663	4,185,526	(209,276)	3,976,250	54,175	4,030,425
2038	640,037,271	248,091,196	333,154,162	58,791,913	13.7663	4,586,317	(229,316)	4,357,001	59,644	4,416,644
2039	675,800,450	248,091,196	363,552,831	64,156,423	13.7664	5,004,797	(250,240)	4,754,557	65,355	4,819,912
2040	713,134,961	248,091,196	395,287,187	69,756,578	13.7664	5,441,665	(272,083)	5,169,582	71,318	5,240,900
2041	752,103,107	248,091,196	428,410,089	75,601,822	13.7664	5,897,648	(294,882)	5,602,766	77,544	5,680,309
2042	792,769,059	248,091,196	462,976,193	81,701,670	13.7664	6,373,499	(318,675)	6,054,824	84,041	6,138,866
2043	835,199,857	248,091,196	499,042,370	88,066,291	13.7664	6,870,001	(343,500)	6,526,501	90,822	6,617,323
2044	879,464,560	248,091,196	536,667,363	94,706,001	13.7664	7,387,962	(369,398)	7,018,564	97,898	7,116,462
2045	925,635,240	248,091,196	575,912,421	101,631,623	13.7664	7,928,226	(396,411)	7,531,815	105,278	7,637,093
2046	973,786,134	248,091,196	616,840,666	108,854,272	13.7664	8,491,662	(424,583)	8,067,078	112,977	8,180,056
2047	1,023,994,648	248,091,196	659,517,957	116,385,495	13.7664	9,079,175	(453,959)	8,625,216	121,006	8,746,222
2048	1,054,660,381	248,091,196	613,972,421	192,596,763	13.7664	8,452,176	(422,609)	8,029,567	129,378	8,158,945
TOTAL:						104,889,899	(5,244,493)	99,645,404	1,374,238	101,019,642

Source: Tiberius Solutions

Figure 2 - TIF Projections over Time



Source: Tiberius Solutions

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 6 shows a summary of the financial capacity of the Area, including how the total TIF revenue translates to the ability to fund projects in constant FYE 2020 dollars in five-year increments. Table 8, Table 9, Table 10, and Table 11 show more detailed tables on the allocation of tax revenues over time.

The Plan is structured to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year duration for the Plan. The time frame of the Plan is not absolute; it may vary depending on the actual ability to meet the maximum indebtedness. If the economy is slower, it may take longer; if the economy is more robust than the projections, it may take a shorter time period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is $87,100,000 (eighty-seven million one hundred thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of $87,100,000 is $101,019,642 which includes expected interest on debt and financing fees and is from the division of taxes from permanent rate levies.

Table 6 - TIF Capacity of the Area

Net TIF (YOE$)	$ 101,020,000
Maximum Indebtedness (YOE$)	$ 87,100,000
Dollars for Projects (2020$)	$ 52,200,000
Years 1-5	$ 5,560,000
Years 6-10	$ 7,670,000
Years 11-15	$ 10,730,000
Years 16-20	$ 11,150,000
Years 21-25	$ 16,920,000

Source: Tiberius Solutions

The financial analysis projects when borrowings might occur as identified in Table 7. The Agency may decide to complete borrowings at different times or for different amounts, depending on their analysis at the time. The table below summarizes the principal amounts of the projected borrowings for the Area. The total amounts, including interest, are shown in the second column of Table 8. There may be opportunities for the City/Agency to accelerate the timing of financial capacity in the early years. For example, the City/Agency may find lenders willing to offer more attractive terms, such as lower interest rates, lower required minimum debt service coverage ratios, or a longer amortization period. Additionally, the City/Agency could explore short-term, interim financing strategies, such as a line of credit with interest only payments. Any line of credit would need to be repaid in full after an agreed upon term, most likely through a longer-term borrowing like the ones shown in this analysis. The success of these financial strategies will depend upon market conditions, and the specific terms and conditions that lenders are willing to offer to the City/Agency.

Table 7 - Estimated Borrowings and Amounts

	Loan A	Loan B	Loan C	Loan D
Principal Amount	5,100,000	6,400,000	8,800,000	8,000,000
Interest Rate	5 %	5 %	5 %	5 %
Loan Term	20	20	16	12
Loan Year	2025	2029	2033	2037
Annual Payment	($409,237)	($513,553)	($811,975)	($902,603)

Source: Tiberius Solutions

Table 8 - Tax Increment Revenues and Allocations to Debt Service, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
Resources								
Beginning Balance		-	-	-	-	-	-	-
TIF: Current Year	99,645,404	166,729	253,864	434,222	622,712	739,932	861,162	1,119,980
TIF: Prior Years	1,374,238	-	2,501	3,808	6,513	9,341	11,099	12,917
Total Resources	101,019,642	166,729	256,365	438,030	629,225	749,273	872,261	1,132,897
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(8,184,744)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(10,271,051)	-	-	-	-	-	-	-
Loan C	(12,991,603)	-	-	-	-	-	-	-
Loan D	(10,831,239)	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Total Debt Service	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Debt Service Coverage Ratio	.00	.00	.00	.00	1.52	1.81	2.10	2.74
Transfer to URA Projects Fund	(58,741,005)	(166,729)	(256,365)	(438,030)	(219,988)	(340,036)	(463,024)	(723,660)
Total Expenditures	(101,019,642)	(166,729)	(256,365)	(438,030)	(629,225)	(749,273)	(872,261)	(1,132,897)

Source: Tiberius Solutions

Table 9 - Tax Increment Revenues and Allocations to Debt Service, Page 2

	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	1,391,088	1,674,985	1,972,198	2,283,269	2,608,770	2,928,503	3,262,610	3,611,660
TIF: Prior Years	16,800	20,866	25,125	29,583	34,249	39,132	43,928	48,939
Total Resources	1,407,888	1,695,851	1,997,323	2,312,852	2,643,019	2,967,635	3,306,538	3,660,600
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	-	-	-	-	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	-	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Total Debt Service	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Debt Service Coverage Ratio	1.51	1.82	2.14	2.47	1.50	1.69	1.88	2.08
Transfer to URA Projects Fund	(485,098)	(773,061)	(1,074,533)	(1,390,062)	(908,254)	(1,232,870)	(1,571,773)	(1,925,835)
Total Expenditures	(1,407,888)	(1,695,851)	(1,997,323)	(2,312,852)	(2,643,019)	(2,967,635)	(3,306,538)	(3,660,600)

Source: Tiberius Solutions

Table 10 - Tax Increment Revenues and Allocations to Debt Service, Page 3

	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	3,976,250	4,357,001	4,754,557	5,169,582	5,602,766	6,054,824	6,526,501	7,018,564
TIF: Prior Years	54,175	59,644	65,355	71,318	77,544	84,041	90,822	97,898
Total Resources	4,030,425	4,416,644	4,819,912	5,240,900	5,680,309	6,138,866	6,617,323	7,116,462
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Total Debt Service	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Debt Service Coverage Ratio	1.51	1.65	1.80	1.96	2.12	2.30	2.47	2.66
Transfer to URA Projects Fund	(1,393,056)	(1,779,276)	(2,182,544)	(2,603,532)	(3,042,941)	(3,501,498)	(3,979,955)	(4,479,093)
Total Expenditures	(4,030,425)	(4,416,644)	(4,819,912)	(5,240,900)	(5,680,309)	(6,138,866)	(6,617,323)	(7,116,462)

Source: Tiberius Solutions

Table 11 - Tax Increment Revenues and Allocations to Debt Service, Page 4

	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources				
Beginning Balance	-	-	-	-
TIF: Current Year	7,531,815	8,067,078	8,625,216	8,029,567
TIF: Prior Years	105,278	112,977	121,006	129,378
Total Resources	7,637,093	8,180,056	8,746,222	8,158,945
Expenditures				
Debt Service				
Scheduled Payments				
Loan A	-	-	-	-
Loan B	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Total Debt Service	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Debt Service Coverage Ratio	3.38	3.62	3.87	3.60
Transfer to URA Projects Fund	(5,408,962)	(5,951,925)	(6,518,091)	(5,930,814)
Total Expenditures	(7,637,093)	(8,180,056)	(8,746,222)	(8,158,945)

Source: Tiberius Solutions

VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency. The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan.

The initial project identified for completion is Community Visioning. Through the Community Visioning process, projects will be further defined and prioritized as funds are accrued. For the purposes of the following tables, funding was allocated annually according to total allocations as divided over the life of the Area. These allocations will change as the Community Visioning is completed. Funds not used in the Community Visioning may be carried forward for other projects or used for further Community Visioning activities.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year program.

The amount of money available for projects in FYE 2020 constant dollars for the Area is $51,801,140. This translates to $87,042,561 in year of expenditure dollars.

Table 12, Table 13, Table 14, and Table 15 show the $51,801,140 of project costs in FYE 2020 dollars inflated over the life of the Area, including administrative expenses. All costs shown in Table 12, Table 13, Table 14 and Table 15 are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation. Annual expenditures for program administration are also shown. These are predicated on the fact that the Area activities will start off slowly in the beginning years and increase in the final years.

A 3.0% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.

Table 12 - Programs and Costs in Year of Expenditure Dollars, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027
Resources							
Beginning Balance		-	81,857	229,361	35	20	42
Interest Earnings	1,556	-	409	1,147	-	-	-
Transfer from TIF Fund	58,741,005	166,729	256,365	438,030	219,988	340,036	463,024
Bond/Loan Proceeds	28,300,000	-	-	-	5,100,000	-	-
Total Resources	87,042,561	166,729	338,631	668,538	5,320,022	340,056	463,066
Expenditures (YOE $)							
Administration	(10,740,645)	(84,872)	(109,270)	(135,060)	(302,432)	(311,511)	(320,850)
Financing Fees	(566,000)				(102,000)		
Planning and Community Involvement	(422,063)			(422,063)			
Economic Development	(17,230,090)			(25,481)	(1,124,567)	(6,520)	(32,531)
Transportation	(39,069,795)			(57,794)	(2,550,019)	(14,807)	(73,769)
Public Utility	(5,081,677)			(7,507)	(331,664)	(1,923)	(9,593)
Parks/Trails/Open Space	(8,723,501)			(12,898)	(569,355)	(3,308)	(16,468)
Community Appearance	(3,514,863)			(5,189)	(229,402)	(1,325)	(6,629)
Emergency Preparedness	(1,693,931)			(2,499)	(110,551)	(633)	(3,198)
Total Expenditures	(87,042,561)	(84,872)	(109,270)	(668,503)	(5,320,002)	(340,014)	(463,039)
Ending Balance		81,857	229,361	35	20	42	27

Source: Tiberius Solutions

Table 13 - Programs and Costs in Year of Expenditure Dollars, Page 2

	FYE 2028	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035
Resources								
Beginning Balance	27	36	37	41	27	25	63	48
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	723,660	485,098	773,061	1,074,533	1,390,062	908,254	1,232,870	1,571,773
Bond/Loan Proceeds	-	6,400,000	-	-	-	8,800,000	-	-
Total Resources	723,687	6,885,134	773,099	1,074,574	1,390,089	9,708,279	1,232,932	1,571,821
Expenditures (YOE $)								
Administration	(330,476)	(340,390)	(350,590)	(361,103)	(371,929)	(383,095)	(394,600)	(406,443)
Financing Fees		(128,000)	-	-	-	(176,000)	-	-
Planning and Community Involvement		-	-	-	-		-	-
Economic Development	(89,955)	(1,468,004)	(96,653)	(163,225)	(232,931)	(2,093,126)	(191,783)	(266,605)
Transportation	(203,980)	(3,328,754)	(219,177)	(370,121)	(528,179)	(4,746,236)	(434,888)	(604,551)
Public Utility	(25,527)	(432,946)	(28,504)	(48,129)	(68,690)	(617,313)	(56,556)	(78,617)
Parks/Trails/Open Space	(45,541)	(743,227)	(48,931)	(82,637)	(117,920)	(1,059,728)	(97,094)	(134,970)
Community Appearance	(18,343)	(299,452)	(19,715)	(33,290)	(47,504)	(426,966)	(39,116)	(54,374)
Emergency Preparedness	(8,842)	(144,311)	(9,501)	(16,043)	(22,897)	(205,766)	(18,847)	(26,206)
Total Expenditures	(723,651)	(6,885,097)	(773,058)	(1,074,547)	(1,390,064)	(9,708,216)	(1,232,884)	(1,571,781)
Ending Balance	36	37	41	27	25	63	48	40

Source: Tiberius Solutions

Table 14 - Programs and Costs in Year of Expenditure Dollars, Page 3

	FYE 2036	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043
Resources								
Beginning Balance	40	51	63	33	76	50	34	59
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	1,925,835	1,393,056	1,779,276	2,182,544	2,603,532	3,042,941	3,501,498	3,979,955
Bond/Loan Proceeds	-	8,000,000	-	-	-	-	-	-
Total Resources	1,925,875	9,393,107	1,779,339	2,182,577	2,603,607	3,042,992	3,501,531	3,980,014
Expenditures (YOE $)								
Administration	(418,626)	(431,174)	(444,114)	(457,444)	(471,166)	(485,306)	(499,863)	(514,863)
Financing Fees	-	(160,000)	-	-	-	-	-	-
Planning and Community Involvement	-	-	-	-	-	-	-	-
Economic Development	(344,818)	(2,013,672)	(305,462)	(394,660)	(487,846)	(585,139)	(686,711)	(792,736)
Transportation	(781,890)	(4,566,091)	(692,655)	(894,916)	(1,106,218)	(1,326,822)	(1,557,138)	(1,797,575)
Public Utility	(101,690)	(593,884)	(90,091)	(116,397)	(143,874)	(172,561)	(202,532)	(233,793)
Parks/Trails/Open Space	(174,575)	(1,019,497)	(154,646)	(199,811)	(246,984)	(296,234)	(347,676)	(401,351)
Community Appearance	(70,334)	(410,770)	(62,308)	(80,503)	(99,516)	(119,357)	(140,067)	(161,697)
Emergency Preparedness	(33,891)	(197,956)	(30,030)	(38,787)	(47,952)	(57,520)	(67,504)	(77,918)
Total Expenditures	(1,925,824)	(9,393,044)	(1,779,306)	(2,182,501)	(2,603,557)	(3,042,958)	(3,501,472)	(3,979,933)
Ending Balance	51	63	33	76	50	34	59	81

Source: Tiberius Solutions

Table 15 - Programs and Costs in Year of Expenditure Dollars, Page 4

	FYE 2044	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources					
Beginning Balance	81	52	70	70	78
Interest Earnings	-	-	-	-	-
Transfer from TIF Fund	4,479,093	5,408,962	5,951,925	6,518,091	5,930,814
Bond/Loan Proceeds	-	-	-		
Total Resources	4,479,175	5,409,014	5,951,995	6,518,161	5,930,893
Expenditures (YOE $)					
Administration	(530,307)	(546,220)	(562,603)	(579,482)	(596,856)
Financing Fees	-				
Planning and Community Involvement	-	-	-	-	-
Economic Development	(903,397)	(1,112,478)	(1,232,971)	(1,358,636)	(1,220,183)
Transportation	(2,048,514)	(2,522,631)	(2,795,795)	(3,080,743)	(2,766,532)
Public Utility	(266,439)	(328,098)	(363,624)	(400,678)	(360,047)
Parks/Trails/Open Space	(457,380)	(563,232)	(624,228)	(687,848)	(617,962)
Community Appearance	(184,273)	(226,926)	(251,503)	(277,129)	(249,175)
Emergency Preparedness	(88,813)	(109,359)	(121,201)	(133,545)	(120,161)
Total Expenditures	(4,479,123)	(5,408,944)	(5,951,925)	(6,518,083)	(5,930,893)
Ending Balance	52	70	70	78	-

Source: Tiberius Solutions

VIII. REVENUE SHARING

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue would go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

Mandatory revenue sharing is defined in ORS 457.470. The statute identifies certain thresholds where the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan (10% of $87,100,000 is $8,710,000). In the year after reaching the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold. The threshold is not projected to be met in the Plan. If actual assessed value growth is higher than projected, revenue sharing could be realized.

The second threshold is when annual tax increment finance revenues exceed 12.5% of the maximum indebtedness ($10,887,500). If this threshold is met, revenue for the Area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts. This threshold is not projected to be met.

IX. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2048 and are shown in Table 16 and Table 17.

The Lincoln County School District and the Linn-Benton-Lincoln Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the Plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 16 and Table 17 show the projected impacts to permanent rate levies of taxing districts as a result of this Plan. Table 16 shows the general government levies, and Table 17 shows the education levies.

Table 16 - Projected Impact on Taxing District Permanent Rate Levies - General Government

FYE	Lincoln County General	Lincoln County Animal Services	Lincoln County Extension	Lincoln County Transport	City of Lincoln City	Lincoln Fire & Rescue #1	Water - Dev Lake In	North Lincoln Health	Water - Dev Lake Out	Subtotal General Government
2022	(34,157)	(1,332)	(546)	(1,180)	(49,653)	(8,050)	(181)	(6,279)	(72)	(101,450)
2023	(52,521)	(2,049)	(840)	(1,814)	(76,347)	(12,377)	(278)	(9,654)	(111)	(155,990)
2024	(89,737)	(3,500)	(1,435)	(3,099)	(130,447)	(21,148)	(478)	(16,495)	(191)	(266,530)
2025	(128,906)	(5,028)	(2,061)	(4,452)	(187,384)	(30,379)	(688)	(23,695)	(274)	(382,868)
2026	(153,499)	(5,987)	(2,455)	(5,301)	(223,135)	(36,175)	(819)	(28,216)	(326)	(455,914)
2027	(178,695)	(6,970)	(2,858)	(6,172)	(259,761)	(42,113)	(953)	(32,847)	(380)	(530,749)
2028	(232,090)	(9,053)	(3,712)	(8,016)	(337,378)	(54,697)	(1,241)	(42,662)	(494)	(689,342)
2029	(288,425)	(11,250)	(4,612)	(9,961)	(419,270)	(67,974)	(1,544)	(53,017)	(615)	(856,668)
2030	(347,417)	(13,551)	(5,556)	(11,999)	(505,025)	(81,878)	(1,861)	(63,861)	(741)	(1,031,888)
2031	(409,177)	(15,960)	(6,543)	(14,132)	(594,802)	(96,433)	(2,194)	(75,214)	(874)	(1,215,328)
2032	(473,817)	(18,481)	(7,577)	(16,364)	(688,766)	(111,667)	(2,542)	(87,095)	(1,012)	(1,407,322)
2033	(541,455)	(21,119)	(8,659)	(18,700)	(787,089)	(127,609)	(2,906)	(99,528)	(1,157)	(1,608,222)
2034	(607,956)	(23,713)	(9,722)	(20,997)	(883,759)	(143,282)	(3,264)	(111,753)	(1,300)	(1,805,745)
2035	(677,384)	(26,421)	(10,833)	(23,395)	(984,684)	(159,644)	(3,637)	(124,515)	(1,449)	(2,011,961)
2036	(749,918)	(29,250)	(11,993)	(25,900)	(1,090,122)	(176,739)	(4,028)	(137,847)	(1,604)	(2,227,401)
2037	(825,681)	(32,205)	(13,204)	(28,516)	(1,200,255)	(194,595)	(4,436)	(151,774)	(1,767)	(2,452,432)
2038	(904,802)	(35,291)	(14,469)	(31,249)	(1,315,271)	(213,242)	(4,862)	(166,318)	(1,936)	(2,687,440)
2039	(987,416)	(38,513)	(15,791)	(34,102)	(1,435,363)	(232,713)	(5,307)	(181,504)	(2,113)	(2,932,821)
2040	(1,073,660)	(41,877)	(17,170)	(37,081)	(1,560,732)	(253,039)	(5,771)	(197,357)	(2,298)	(3,188,984)
2041	(1,163,678)	(45,388)	(18,609)	(40,189)	(1,691,587)	(274,254)	(6,256)	(213,903)	(2,491)	(3,456,357)
2042	(1,257,618)	(49,053)	(20,112)	(43,434)	(1,828,144)	(296,394)	(6,762)	(231,171)	(2,693)	(3,735,380)
2043	(1,355,635)	(52,876)	(21,679)	(46,819)	(1,970,627)	(319,495)	(7,290)	(249,188)	(2,903)	(4,026,513)
2044	(1,457,889)	(56,864)	(23,314)	(50,350)	(2,119,269)	(343,594)	(7,841)	(267,984)	(3,123)	(4,330,230)
2045	(1,564,546)	(61,024)	(25,020)	(54,034)	(2,274,312)	(368,731)	(8,416)	(287,590)	(3,351)	(4,647,025)
2046	(1,675,778)	(65,363)	(26,799)	(57,876)	(2,436,004)	(394,947)	(9,015)	(308,036)	(3,590)	(4,977,407)
2047	(1,791,763)	(69,887)	(28,653)	(61,881)	(2,604,607)	(422,282)	(9,641)	(329,356)	(3,839)	(5,321,910)
2048	(1,671,453)	(65,194)	(26,730)	(57,726)	(2,429,718)	(393,927)	(8,992)	(307,241)	(3,581)	(4,964,562)
TOTAL:	(20,695,072)	(807,197)	(330,951)	(714,736)	(30,083,511)	(4,877,381)	(111,203)	(3,804,101)	(44,287)	(61,468,440)

Source: Tiberius Solutions

Table 17 - Projected Impact on Taxing District Permanent Rate Levies – Education

	Lincoln County School District	Oregon Coast Comm College	ESD Linn-Benton	Subtotal Education	Total General Government and Education
2022	(59,459)	(2,128)	(3,693)	(65,279)	(166,729)
2023	(91,424)	(3,272)	(5,678)	(100,374)	(256,364)
2024	(156,208)	(5,591)	(9,702)	(171,500)	(438,030)
2025	(224,390)	(8,031)	(13,936)	(246,357)	(629,225)
2026	(267,200)	(9,563)	(16,595)	(293,359)	(749,273)
2027	(311,060)	(11,133)	(19,319)	(341,512)	(872,261)
2028	(404,005)	(14,459)	(25,092)	(443,556)	(1,132,897)
2029	(502,069)	(17,969)	(31,182)	(551,220)	(1,407,888)
2030	(604,758)	(21,644)	(37,560)	(663,963)	(1,695,851)
2031	(712,265)	(25,492)	(44,237)	(781,995)	(1,997,323)
2032	(824,786)	(29,519)	(51,226)	(905,530)	(2,312,852)
2033	(942,525)	(33,733)	(58,538)	(1,034,797)	(2,643,019)
2034	(1,058,286)	(37,876)	(65,728)	(1,161,890)	(2,967,634)
2035	(1,179,141)	(42,201)	(73,234)	(1,294,577)	(3,306,538)
2036	(1,305,403)	(46,720)	(81,076)	(1,433,199)	(3,660,600)
2037	(1,437,285)	(51,440)	(89,267)	(1,577,992)	(4,030,425)
2038	(1,575,014)	(56,370)	(97,821)	(1,729,204)	(4,416,644)
2039	(1,718,822)	(61,517)	(106,752)	(1,887,091)	(4,819,912)
2040	(1,868,949)	(66,890)	(116,076)	(2,051,915)	(5,240,900)
2041	(2,025,646)	(72,498)	(125,809)	(2,223,952)	(5,680,309)
2042	(2,189,170)	(78,350)	(135,965)	(2,403,486)	(6,138,866)
2043	(2,359,792)	(84,457)	(146,562)	(2,590,810)	(6,617,323)
2044	(2,537,788)	(90,827)	(157,617)	(2,786,232)	(7,116,462)
2045	(2,723,449)	(97,472)	(169,148)	(2,990,069)	(7,637,093)
2046	(2,917,073)	(104,402)	(181,173)	(3,202,648)	(8,180,056)
2047	(3,118,972)	(111,628)	(193,713)	(3,424,313)	(8,746,222)
2048	(2,909,545)	(104,132)	(180,706)	(3,194,383)	(8,158,945)
TOTAL:	(36,024,484)	(1,289,314)	(2,237,404)	(39,551,202)	(101,019,642)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section

Table 18 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated. These projections are for FYE 2049.

The Frozen Base is the assessed value of the Area established by the county assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base. The Frozen Base indicated in the table below is the consultant's estimate. It is expected the number may vary slightly as the assessor determines the Frozen Base after the Area is established.

Table 18 - Additional Revenues Obtained after Termination of Tax Increment Financing, FYE 2049.

Taxing District	Tax Rate	From Frozen Base	From Excess Value	Total
General Government				
Lincoln County General	2.8202	699,666	2,363,765	3,063,431
Lincoln County Animal Services	0.11	27,290	92,198	119,488
Lincoln County Extension	0.0451	11,189	37,801	48,990
Lincoln County Transport	0.0974	24,164	81,637	105,801
City of Lincoln City	4.0996	1,017,074	3,436,100	4,453,174
Road - Lake Point	0.4669	0	0	0
Lincoln Fire & Rescue #1	0.6783	164,904	557,091	721,995
Water - Dev Lake In	0.2499	3,800	12,715	16,515
North Lincoln Health	0.5184	128,612	434,500	563,112
Water - Dev Lake Out	0.128	1,512	5,063	6,575
Subtotal	9.0858	2,076,699	7,015,807	9,092,506
Education	12345	12,345	12,345	12,345
Lincoln County School	4.9092	1,217,930	4,114,670	5,332,600
Oregon Coast Comm. College	0.1757	43,590	147,264	190,854
ESD Linn-Benton	0.3049	75,643	255,554	331,197
Subtotal	5.3898	1,337,163	4,517,488	5,854,651
TOTAL:	14.4756	3,413,862	11,533,295	14,947,157

Source: Tiberius Solutions

x. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AND TIF AREAS

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in a TIF area at the time of its establishment to 25% for municipalities under 50,000 in population. As of the adoption of this Plan, there is an existing urban renewal area in Lincoln City, the Year 2000 Development (Urban Renewal) Plan Area. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Development Plan.

At that time, the assessed value and acreage limitations will only include the Roads End/Villages at Cascade Head Area.

As noted below, the Frozen Base (assumed to be FYE 2020 values), including all real, personal, personal, manufactured, and utility properties in the Area, is projected to be $248,091,196. The Lincoln County Assessor will set the Frozen Base once the Plan is adopted. The total assessed value of the City of Lincoln City in FYE 2020 is $1,858,471,488.[6]

The percentage of assessed value of the TIF area in Lincoln City is 17.3%, below the 25% threshold.

The Area contains 500 acres, including public rights-of-way. The Year 2000 Area contains 362.47 acres.[7] This puts 22.52% of the City's acreage in a TIF area, which is below the 25% statutory threshold. The information on acreage and assessed value percentages is shown below in Table 19.

Table 19 – TIF Area Conformance with Assessed Value and Acreage Limits

	Assessed Value	Frozen Base	Acreage
City of Lincoln City	$1,858,471,488		3,830
Year 2000 Plan Area		$62,489,095	362.47
Year 2000 Plan Incremental/Excess Value	$56,204,456[8]		
Roads End/Villages at Cascade Head Area		$248,091,196	500
% in Urban Renewal/TIF Area	17.3%		22.52%

Source: Compiled by Elaine Howard Consulting, LLC with data from City of Lincoln City and Lincoln County Department of Assessment and Taxation (FYE 2020)

[6] Lincoln County FYE 2020 Sal 4a

[7] Acreage information for Y2000 Plan from Resolution UR2019-03

[8] This is the excess value used. In 2014 the City of Lincoln City determined to under-levy their tax increment by 80%, with only 20% of the available increment going to the urban renewal agency. Even with this adjustment, the Area is expected to be terminated in FYE 2021.

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Area and documents the occurrence of "blighted areas," as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures 500 total acres in size, which is composed of 910 individual parcels encompassing 445.69 acres, and an additional 54.31 acres in public rights-of-way. An analysis of FYE 2019-2020 property classification data from the Lincoln County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, Exempt uses account for the most prevalent land use within the Area (56.68%). This was followed by Residential uses (36.25%). Detailed land use designations in the Area can be seen in Table 20.

Table 20 - Land Use in the Area

Land Use	Parcels	Acreage	Percent of Acreage
Exempt	105	252.63	56.68%
Residential	780	161.58	36.25%
Commercial	10	25.35	5.69%
Miscellaneous	12	3.29	0.74%
Tract	1	2.36	0.53%
Forest	1	0.25	0.06%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City using the Lincoln County Department of Assessment and Taxation database (FYE 2020)

2. Comprehensive Plan Designations

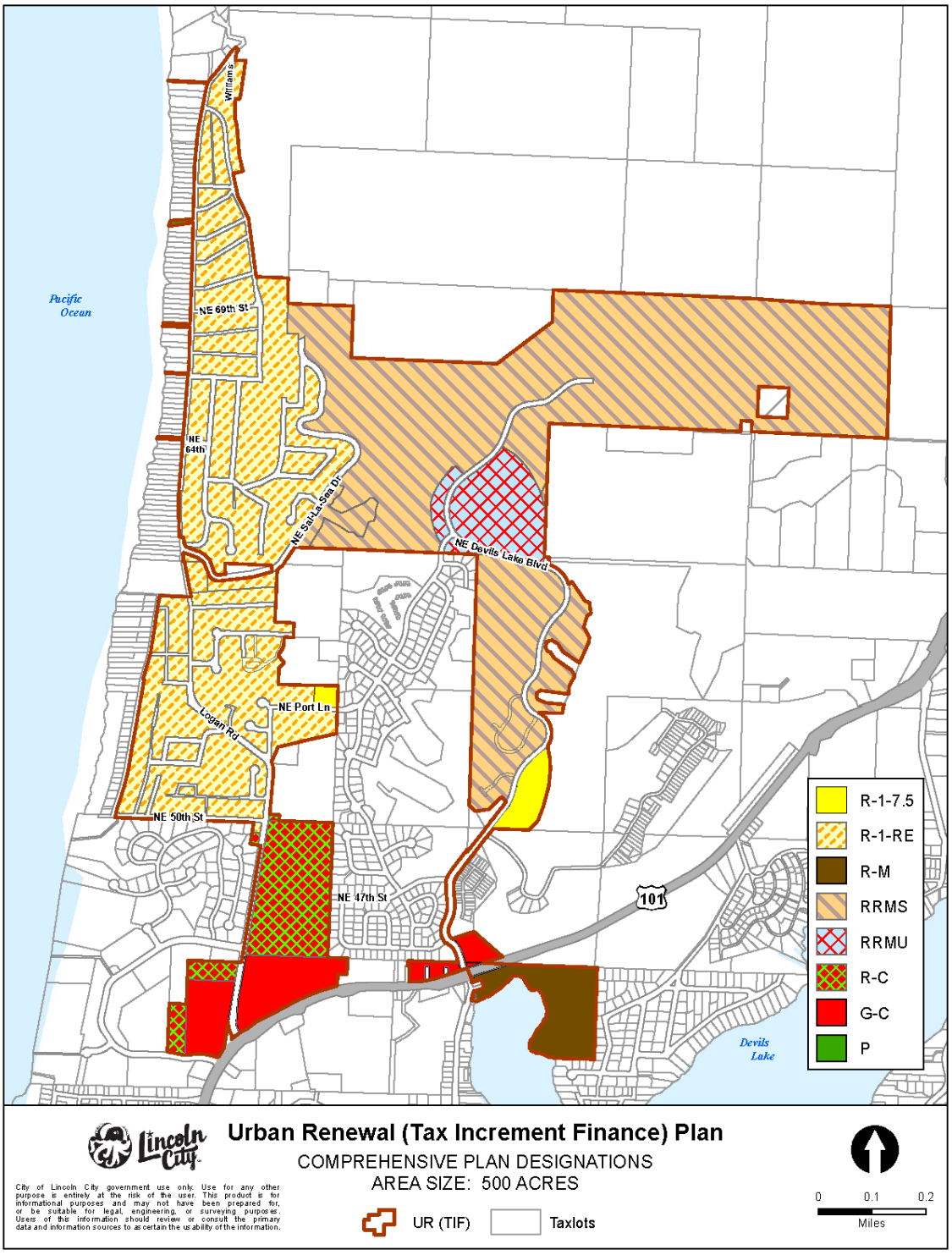
The most prevalent comprehensive plan designation by acreage in the Area is Resort Residential Mixed Structure (49.20%). The second most prevalent comprehensive plan designation by acreage in the Area is Residential 1-Roads End (31.82%). Detailed comprehensive plan designations in the Area can be seen in Table 21.

Table 21 – Comprehensive Plan Designations in the Area

Comprehensive Plan Designation	Parcels	Acreage	Percent of Acreage
Resort Residential Mixed Structure (RRMS)	114	219.26	49.20%
Residential 1 – Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	9	43.07	9.66%
Recreation Resort Mixed Use (RRMU)	5	16.33	3.66%
Multi-Family Residential (RM)	7	14.85	3.33%
Residential – 1 – 7.5 (R-1-7.5)	3	6.26	1.40%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 3 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Comprehensive Plan Designation



Source: City of Lincoln City GIS

3. Zoning Designations

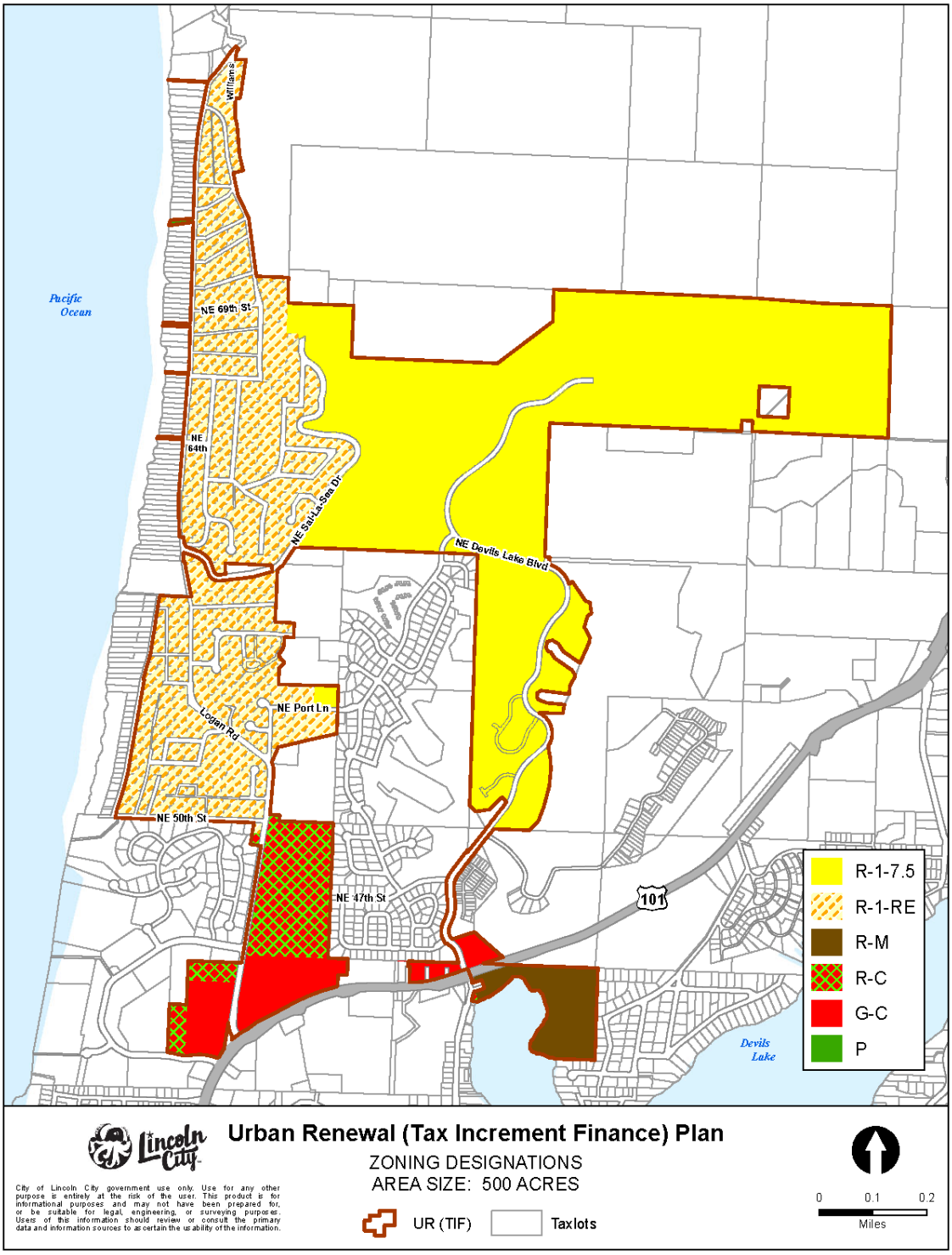
The most prevalent zoning designation by acreage in the Area is Residential R-1-7.5 (58.80%). The second most prevalent zoning designation in the Area is Residential R-1-Roads End (31.82%). Detailed zoning designations in the Area can be seen in Table 22.

Table 22 - Zoning Designations in the Area

Zoning Designation	Parcels	Acreage	Percent of Acreage
Single Family Residential R-1-7.5 (R-1-7.5)	123	262.06	58.80%
Single Family Residential R-1 Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	8	22.86	5.13%
Multiple-Family Residential (R-M)	7	14.85	3.33%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 4 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Zoning Designations



Source: City of Lincoln City GIS

B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the Plan.** There are projects listed in several City of Lincoln City infrastructure master plans that relate to these existing conditions.

There are also deficiencies in the transportation system that have been identified by City staff for inclusion. **This does not mean that all of these projects are included in the Plan.** The specific projects that are included in the Plan are listed in Section III of this Report.

1. Transportation

The Lincoln City Transportation Systems Plan identified the following projects in the Capital Improvement List.

Bus system for hikers to access the Knoll recreation areas; Develop Park & Ride at the North end and incorporate North by Northwest Connector and other transit amenities.

Improved public parking on and off-street; could include Sal-La-Sea second parking lot.

Improve road connection between Villages at Cascade Head and Roads End to Highway 101 (one-half of this project is in the Area).

Logan Road/ NE Port Lane safety improvements, such as intersection realignment, roundabout, or all-way stop control.

Extend NE 47th Street. to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.

Modify Existing Traffic Signals and Install New Traffic Signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road / NE Devils Lake Boulevard and Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication.

Local streets and Highway 101 improvements which may include curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects.

2. Storm Drain

The Storm Drain project within the Area was identified by staff at a meeting on October 9, 2019.[9]

Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.

3. Water

The following water project within the Area was identified by staff at a meeting on October 9, 2019.

Improved infrastructure to support long-range water security for the Area.

4. Sewer

The following sewer project within the Area was identified by staff at a meeting on October 9, 2019.

Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

5. General Public Works

The following water projects within the Area were identified by staff at a meeting on October 9, 2019.

Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth but is otherwise a natural stream. A project to replace one culvert with a fish passage over the second culvert has been identified, it would improve water quality and fish and wildlife habitat.

Public Utility Improvements to include power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

Utilities should be undergrounded where economically feasible.

[9] As there was not a Water or Sewer Master Plan, the city Economic Development and Urban Renewal staff met with the city Public Works staff to identify deficiencies in the Area. This meeting was attended by Alison Robertson, Jodi Mescher, Stephanie Reid, and Lila Bradley.

Infrastructure projects are required including upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

Improve water line from 69th Street. to Willams Court and sewering to unsewered areas.

5. Parks and Open Space

The *Lincoln City Parks and Recreation Plan*[10] established the need for additional open space and parks facilities in the Area. The specific projects are identified below:

Improved access to trail heads and parking for recreation partner trails.

Improving pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Provide a community park in the Villages at Cascade Head development area; including provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Highway 101.

Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include acquiring property and constructing cohesive, branded signage for drivers and pedestrian.

6. Utility Providers

The following utility providers have services within the City of Lincoln City:
City of Lincoln City
Pacific Power
NW Natural
Charter/Spectrum
CenturyLink
CoastCom/Wave
Sprint
North Lincoln Sanitary Service (Contracted by City of Lincoln City)

[10] GreenWorks *City of Lincoln City Park and Recreation System Plan, 2016.*

C. Social Conditions

Within the Area, there are 780 tax lots shown as residential use in the land use table, Table 20 of this report. According to the US Census Bureau, American Community Survey 2013-2017 Five Year Estimates, the block groups that most closely represent the Area have 980 residents, 83% of whom are white. These block groups represent more residents than exist in the Area but are the closest block groups to represent the Area.

Table 23 - Race in the Area

Race	Number	Percent
White alone	810	82.7%
Black or African American alone	-	0.0%
American Indian and Alaska Native alone	9	.8%
Asian alone	147	15%
Native Hawaiian and Other Pacific Islander alone	-	0.0%
Some other race alone	-	0.0%
Two or more races	15	1.5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The largest percentage of residents are between 55 to 64 years of age (31%).

Table 24 - Age in the Area

Age	Number	Percent
Under 5 years	79	8%
5 to 9 years	-	0%
10 to 14 years	-	0%
15 to 17 years	7	1%
18 to 24 years	23	2%
25 to 34 years	60	6%
35 to 44 years	46	5%
45 to 54 years	84	9%
55 to 64 years	299	31%
65 to 74 years	194	20%
75 to 84 years	139	14%
85 years and over	49	5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

In the block groups, 33% of adult residents have earned a bachelor's degree or higher. Another 37% have some college education without a degree, and 14% have graduated from high school with no college experience.

Table 25 - Educational Attainment in the Area

Educational Attainment	Number	Percent
Less than high school	137	16%
High school graduate (includes equivalency)	123	14%
Some college	289	33%
Associate's degree	36	4%
Bachelor's degree	145	17%
Master's degree	109	13%
Professional school degree	12	1%
Doctorate degree	20	2%
TOTAL:	871	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The most common travel time to work class was 10 to 19 minutes, with 60% of journeys being in this class. This was followed by less than 10 minutes travel time class, which represented 33% of journeys.

Table 26 - Travel Time to Work in the Area

Travel Time	Number	Percent
Less than 10 minutes	107	33%
10 to 19 minutes	197	60%
20 to 29 minutes	5	2%
1.00830 to 39 minutes	11	3%
40 to 59 minutes	7	2%
60 to 89 minutes	-	0%
90 or more minutes	-	0%
TOTAL:	327	100%

Source: American Community Survey 2013-2017 Five Year Estimates

Of the means of transportation used to travel to work, the majority, 60% drove alone with another 25% carpooling.

Table 27 - Means of Transportation to Work in the Area

Means of Transportation	Number	Percent
Drove alone	217	60%
Carpooled	89	25%
Bicycle	-	0%
Walked	-	0%
Other means	-	0%
Worked at home	14	4%
TOTAL:	362	89%

Source: American Community Survey 2013-2017 Five Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Lincoln County Department of Assessment and Taxation for FYE 2020, including all real, personal, manufactured, and utility properties, is estimated to be $248,091,196.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In TIF Areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short and long-term development objectives.

Table 28 shows the improvement to land ratios (I:L) for properties within the Area. There are 104 parcels totaling 56.40% of the total acreage that are "exempt" from taxation as they are owned by governmental agencies or non-profits. There are 166 parcels totaling 13.80% of the acreage that have no improvement value. Excluding the Exempt parcels, there are 274 parcels representing 21.91% of the acreage that have I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0, or an improvement worth twice as much as the land it is on. Two hundred and sixty-six of the parcels in the Area, totaling 16.97% of the acreage, have I:L ratios of 2.0 or more in FYE 2020. In summary, approximately 83.03% of the Area is either exempt or underdeveloped and not contributing significantly to the tax base in the City.

Table 28 - Improvement to Land Ratios in the Area

I:L Ratio	Parcels	Acreage	Percent of Acreage
Exempt	104	251.38	56.40%
No Improvement Value	166	61.52	13.80%
0.01-0.50	15	3.08	0.69%
0.51-1.00	93	33.07	7.42%
1.01-1.50	112	21.06	4.72%
1.51-2.00	154	26.28	5.90%
2.01-2.50	129	25.17	5.65%
2.51-3.00	69	10.86	2.44%
3.01-4.00	42	7.76	1.74%
> 4.00	26	5.51	1.24%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the Lincoln County Department of Assessment and Taxation (FYE 2020)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of tax increment funding are for transportation and utility infrastructure, park improvements, economic development and emergency preparedness. Tax increment financing is a method for funding projects that would otherwise be funded by the City general fund or SDCs, or delayed until resources are available.

It is anticipated that these improvements will catalyze development on the undeveloped and underdeveloped parcels in the Area. This development will require City services. However, since the property is within the City limits, and the level of redevelopment has been planned for based on the Comprehensive Plan and zoning designations, the City has anticipated the need to provide services to the Area. As the development will be new construction, it will be constructed to current building codes, which will aid in the needs for fire protection and lessen the burden on fire response.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the City.

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL (TIF) AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area.

XIII. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance as required under applicable state law. The Agency has adopted rules for relocation assistance. The Agency will comply with all applicable state laws in providing these potential benefits.

Memo

To: Lincoln City City Council

From: Anne Marie Skinner

Planning & Community Development Director

Date: July 10, 2020

Re: Lincoln City Planning Commission Action on July 7, 2020

BACKGROUND

On July 7, 2020, the Lincoln City Planning Commission reviewed the proposed new Roads End / Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan, received a staff report on the proposed Plan, and passed the following motion by a unanimous vote of the commission.

MOTION

The Roads End / Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan conforms with the Lincoln City Comprehensive Plan and the Planning Commission recommends approval of the Plan to the City Council as written.

Sincerely,

Anne Marie Skinner
Planning & Community Development Director

Council Communication

Ordinance 2020-14 Signs 17.72 Second Reading

Meeting Date:	August 10, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve Second Reading and adopt Ordinance 2020-14 entitled:

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

:

Staff Recommendation:

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

Authority:

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

Background:

See prior public hearing staff report for Ordinance 2020-14. The existing Chapter 17.72 (Sign Regulations) contains provisions for permanent and temporary signs. Planning staff removed temporary signs from Chapter 17.72 and cleaned up the ordinance. Temporary signs will come

forward to Council in a non-land use ordinance concerning Chapter 9.34 at a future meeting. **Note: existing Chapter 9.34 prohibits all temporary signs except those shown as exempt in that ordinance.** Per Council recommendation definitions are moved to a separate ordinance. The Planning Commission recommended approval of the proposed ordinance amendment to Chapter 17.72.

Council Options:

1. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Continue Second Reading to August 24, 2020 [or
3. Do not proceed with proposed ordinance.

Potential Motions:

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-14.

   [or]

2. Motion to set Second Reading for August 24, 2020.

Attachments:

Ordinance 2020-14 7.13.20 (DOCX)
FINAL Ext. A Findings 2020-13,14 and 15. (DOCX)

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.72 (SIGN REGULATIONS), AMENDING AND UPDATING CITY SIGN REGULATIONS REMOVING PROVISIONS FOR TEMPORARY SIGNS AND PLACING THEM IN CHAPTER 9.34

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

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

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

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

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

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

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on February 26, 2020; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation of approval; and

WHEREAS, the City Council held a public hearing on June 22, 2020. On June 22, 2020 Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction to move definitions to a separate ordinance and return for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.72 (*Sign Regulations*) is hereby amended to add the following text to replace the existing chapter:

SIGN REGULATIONS[1]

Sections:

17.72.010 Purpose and objectives.
17.72.020 Zoning sign permit application.
17.72.025 Exemptions from requirement for sign zoning permit.
17.72.030 Construction.
17.72.035 Placement.
17.72.040 Maintenance.
17.72.050 Nonconforming Signs.
17.72.055 Temporary and Portable Signs.
17.72.060 Prohibitions.
17.72.070 Measurements.
17,72.080 {Reserved]
17.72.090 Permanent signs in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones.
17.72.100 Permanent signs in all other zones.
17.72.110 Illumination – General restrictions.
17.72.120 Electronic display centers and changeable copy signs.
17.72.130 Violations.

Chapter 17.72 Sign Regulations.

17.72.010 Purpose and objectives.

A. The purpose of this chapter is to improve the aesthetic quality of the city in a manner which recognizes and balances the need for permanent signs with other visual, aesthetic, economic, and safety concerns of the city by:

1. **Protecting the health, safety, and welfare of the public;**
2. **Facilitating communication between people through establishment of a comprehensive system regulating permanent signs in the city;**
3. **Minimizing adverse safety factors to pedestrians, bicycles, and vehicles;**
4. **Enhancing the overall aesthetics of the city;**
5. **Providing permanent signs that are legible, neat, clean, and in good repair, thereby establishing and maintaining an orderly appearance for the city;**
6. **Providing for safe construction, location, erection, and maintenance of permanent signs;**
7. **Preventing proliferation of signs and sign clutter by regulating the number and size of permanent signs;**
8. **Ensuring signage does not create an impermissible conflict with statutory, administrative, or constitutional standards;**
9. **Providing for fair and consistent enforcement of the sign regulations set forth herein; and**
10. **Ensuring that the constitutionally guaranteed right of free expression is protected.**

17.72.020 Zoning sign permit application.

A. **Except as provided in LCMC 17.72.025, a zoning sign permit is required prior to erecting, constructing, placing, locating, attaching, affixing, moving, modifying, or altering any permanent sign or permanent sign structure.**
B. **An application for a zoning sign permit shall be made on a form prescribed by the director, shall contain all the information requested on the prescribed form, and shall be filed with the department.**
C. **A separate zoning sign permit application is required for each separate sign.**
D. **The payment of permit fees in the amount set by City Council resolution is required for each separate sign.**
E. **A separate application through Lincoln County for an electrical permit may be necessary. It's the applicant's responsibility to contact Lincoln County and ascertain electrical permit requirements.**
F. **A separate application through the department for a structural permit may be necessary. It is the applicant's responsibility to contact the building official and ascertain structural permit requirements. If a structural permit is required, it must be issued prior to erecting, constructing, placing, locating, attaching, affixing, moving, modifying, or altering any permanent sign or permanent sign structure.**

17.72.025 Exemptions from requirement for sign zoning permit.

The following list of items is exempt from the zoning sign permit requirement of this chapter, but they are still subject to the limitations of city code, including definitions:

- **A. Painting, repainting, cleaning, and maintaining an existing sign;**
- **B. Signs that are designed to be read only from within buildings or other premises such as parking and maneuvering areas and interior spaces such as within multi-business complexes;**
- **C. Integral signs;**
- **D. Grave markers;**
- **E. Government signs;**
- **F. Vehicle signs that are not prohibited under 17.72.060;**
- **G. Signs displayed upon a bus or vehicle owned by a public transit district or government agency;**
- **H. Original art displays;**
- **I. Utility signs;**
- **J. Window signs, internally or externally illuminated, either directly or indirectly;**
- **K. Signs incorporated into ATMs, fuel pumps, or vending machines;**
- **L. Changing of sign copy; and**
- **M. Changing of sign face provided no changes are made to the cabinet or other structural components of the sign and provided no changes or repairs are made to illumination.**

17.72.030 Construction.

- **A. All permanent signs and sign structures, including exemptions listed in 17.72.025, shall comply with the applicable provisions governing construction within and for the city, including all city, state, and federal rules and regulations.**
- **B. Any applicable permits shall be obtained as required by city, state, or federal law and shall be obtained prior to construction or placement.**
- **C. It is the responsibility of the individual wishing to construct or place the permanent sign to ascertain all requirements, prohibitions, exemptions, and permitting processes and to obtain all required permits prior to said construction or placement.**

17.72.035 Placement.

- **A. Placement is subject to compliance with clear-vision area requirements of LCMC 17.52.060;**

B. **All portions and components of permanent signs and sign structures must be placed such that no portion or component obstructs clear and unhindered passage of any vehicular, bicycle, or pedestrian traffic in any right-of-way;**

C. **All portions and components of permanent signs and sign structures must be placed outside of the required clear circulation path for ADA-accessibility. In no case, shall any portion or component of any permanent sign, sign structure, or any other item allowed in this chapter obstruct, impede, or be within the required clear circulation path unless a reduction in the width of the clear circulation path has been approved by the city engineer.**

D. **No portion or component of any permanent sign, sign structure, or any other item allowed in this chapter shall be placed or displayed in a manner that presents a safety hazard to pedestrians, bicycles/bicyclists, vehicles and drivers, or anyone else; and**

E. **Permanent signs placed such that any portion, or the entirety, of the sign or sign structure is within right-of-way must obtain approval of such placement from the roadway authority having jurisdiction over the right-of-way in which the permanent sign will be placed.**

F. **The maximum protrusion of a sign over right-of-way shall be 24 inches, with a minimum of eight feet of clearance between the finished grade and the bottom of the sign. The applicable roadway authority shall approve the placement of protruding signs.**

17.72.040 Maintenance.

A. **All permanent signs, along with all of their structures, components, poles, posts, supports, braces, guys and guy wires, anchors, etc. and any other item allowed by this chapter must be:**

1. **Maintained in a safe, hazard-free condition;**
2. **Maintained in a condition which is neat, clean, and in good repair;**
3. **Kept free from rust, corrosion, peeling paint, mold, mildew, or other surface deterioration;**
4. **Kept neatly and freshly painted or posted; and**
5. **Kept free of all extraneous items.**

B. **All permanent signs, which are faded, torn, damaged, dirty, ripped, corroded, tattered, frayed, broken, hazardous, or in a state of disrepair must have immediate maintenance performed or be removed immediately, but no later than 30 days following the occurrence of the fading, tearing, damage, uncleanliness, etc.**

C. A permanent sign structure must contain a sign face at all times, except during the time when the sign face has been temporarily (no more than 30 days) removed for repair or maintenance. Such sign face shall be neat, clean, and hazard-free.

17.72.050 Nonconforming Signs.

Nonconforming permanent signs may continue, subject to the restrictions in this section:

A. A nonconforming permanent sign or sign structure shall not be:
   1. Expanded in size or height that increases the nonconformity; or
   2. Relocated.

B. A nonconforming permanent sign may be maintained or altered, including changing the face and changing the types of materials comprising the sign, provided no changes are made that would increase the nonconformity.
   1. If a nonconforming sign is destroyed by wind, fire, rain, or by any other natural disaster, the sign shall not be replaced and shall lose its nonconformity and any remaining portions shall be removed; any new signage erected in its place shall comply with the provisions of this chapter.

17.72.055 Temporary and Portable Signs.

Temporary and portable sign allowances are given in Chapter 9.34 LCMC. Definitions are listed in LCMC 17.08.010.

17.72.060 Prohibitions.

The following are expressly prohibited, unless specifically stated otherwise in this chapter:

A. Flashing or blinking signs;
B. Unlawful signs;
C. Reflective signs or signs that contain mirrors;
D. Obstructions of traffic control markings or devices, traffic signals, or traffic signs;
E. Obstructions of drivers to pedestrians or pedestrians to drivers at or in marked or unmarked crosswalks;
F. Beacons, except those associated with emergencies or aircraft facilities, or placed by government agencies;
G. Inflatable signs that are attached to the property, ground, or other permanent structure;
H. Signs and components and elements of faces of signs that shimmer or contain reflective devices;
I. Signs which emit any odor, noise, or visible matter other than light;

J. Video signs;

K. Any sign erected, constructed, installed, displayed, placed, attached, affixed, maintained, or altered in a manner not in compliance with this chapter;

L. Signs which restrict, decrease, or obstruct any portion of required five-foot-wide clear circulation paths for ADA-accessibility;

M. Signs constructed or maintained which, by reason of their size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;

N. Signs (other than government signs) constructed in such a manner or at such a location that they will obstruct access to any fire escape or other means of ingress or egress from a structure, building, or exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;

O. Any sign attached to a tree, plant, shrub, living vegetation, traffic sign or device, utility pole or box, or street light, except as otherwise allowed or required by the government or utility, this chapter, or other chapters of the code;

P. Projected image signs;

Q. Vehicle signs which are any of the following: internally or externally illuminated signs; video signs; animated signs; moving or rotating signs; flashing or scrolling signs; or signs that move, shimmer, contain reflective or glaring devices or use or contain any form of electronic, electrical, battery-operated, computer-operated, or digital mechanisms;

R. Vehicles or trailers used as signs or as bases for signs where the primary purpose of the vehicles or trailers in that location is their use as a sign; and

S. Temporary signs unless specifically allowed by Chapter 9.34 LCMC.

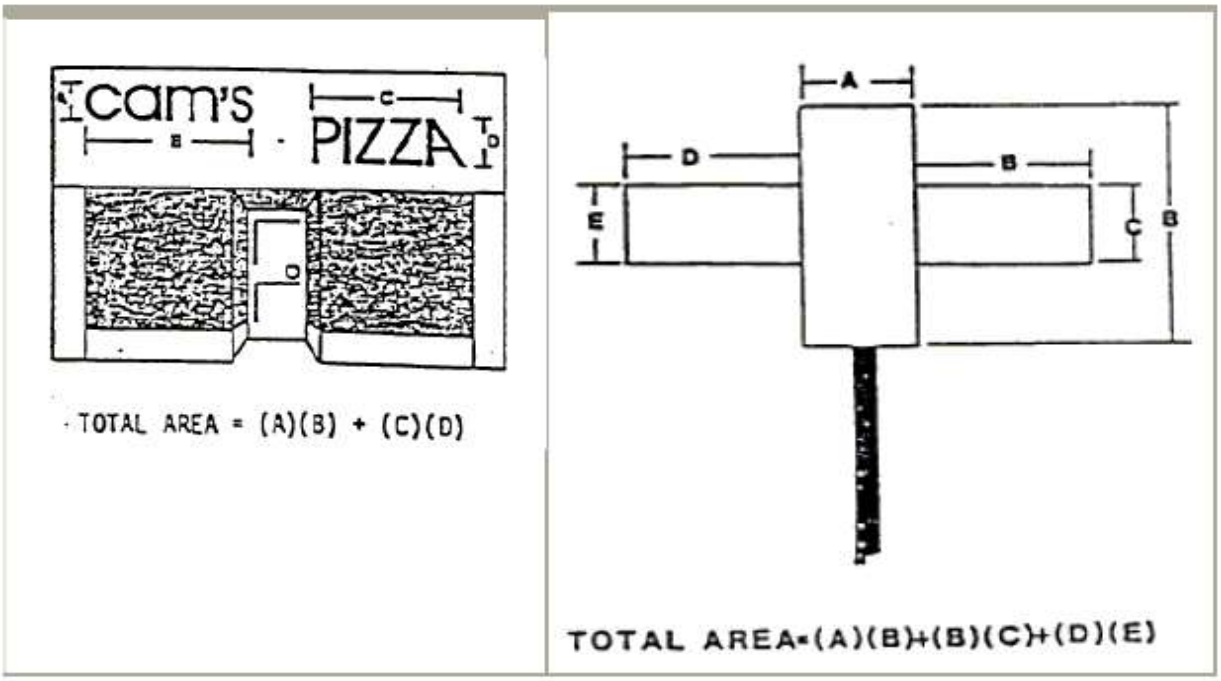
17.72.070 Measurements.

The following shall be used in measuring a permanent sign to determine compliance with this chapter:

A. Sign Area.

1. The area of the sign is computed by calculating the area encompassed within any regular geometric figure that would enclose the sign (excluding the sign structure and structural supports). When the sign is broken into different parts, the geometric figure shall be placed around each individual part for calculating the area of that part, and then adding the sum of the parts, to reach the overall sign area. See Figure 17.72.70-1 below.

Figure 17.72.70-1 Sign Area Measurements.



B. Height.

1. Height of sign is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the finished grade directly adjacent to or underneath the sign shall be used.

C. Double or multi-faced signs. Allowable sign square footage applies to only one side of double or multi-faced signs, provided each face is identical in size.

D. Clearance. Clearance of a sign is measured from the finished grade directly underneath the sign to the lowest point of the sign.

17.72.090 Permanent signs in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones.

The following permanent signage is allowed in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones:

A. A permitted and approved non-residential use may have permanent signage not exceeding 50 square feet in area. Permanent signage may be wall signs, roof signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs or freestanding ground, pole, or monument signs, with no limitation on the number

of signs, provided the total permanent signage square footage does not exceed 50 square feet in area.

B. In the R-M zone, sites with a permitted and approved multi-unit dwelling use may have permanent signage not exceeding 50 square feet in area. Permanent signage may be attached wall signs, roof signs, blade signs, suspended signs, canopy signs, awning signs, marquee signs or freestanding ground, pole, or monument signs, with no limitation on the number of signs, provided the total permanent signage square footage does not exceed 50 square feet in area.

1. Sites in the R-M zone containing at least two buildings, wherein each of the buildings has three or more residential units, may have one additional sign not to exceed 20 square feet, as well as one additional sign per building, not to exceed 10 square feet for each such sign.

C. Changeable copy signs, electronic message centers, and signs that are internally illuminated are prohibited.

1. External illumination may be provided in accordance with the provisions of Section 17.72.110.

17.72.100 Permanent signs in all other zones.

The following permanent signage is allowed in all other zones besides R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones:

A. Attached Signs. Attached signs allowed by this code are wall signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs.

1. Number. There is no limit to the number of attached signs on a building with either one tenant space or with more than one tenant space, subject to the aggregate total area limitation of 17.72.100(A)(2) below.

2. Area.

a) Buildings are allowed a minimum of 25 square feet of attached sign area regardless of the amount of frontage or tenant spaces.

b) When a building contains more than one tenant space, each tenant space is allowed a minimum of 25 square feet of attached sign area.

c) Tenant spaces with more than 25 lineal feet of frontage are allowed to increase the 25-square-foot minimum by one square foot for each lineal foot of frontage.

d) In no case shall the total square footage of attached sign area on one building exceed 100 square feet, regardless of the number of tenant spaces and regardless of the amount of frontage.

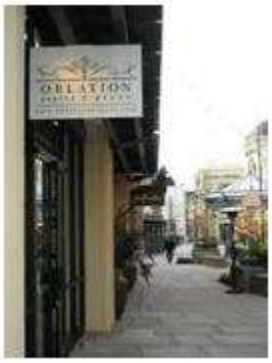


Figure 17.72.100-1: Examples of attached signs (from top, left to right: wall, blade, wall, blade).

3. Attached signs may be illuminated, subject to the provisions of Section 17.72.110.

B. Roof signs. Each building is allowed one roof sign not to exceed 50 square feet in area.
   1. Roof signs may not extend more than 6 feet above a flat roof or the ridge of a pitched roof.
   2. In no case may the combined height of the building and sign exceed the building height limitations of the underlying zone.
   3. Illumination may be incorporated into roof signs, subject to the provisions of Section 17.72.110.

C. Freestanding Signs. Freestanding signs are ground signs, monument signs, and pole signs.
   1. Number.
      a) One freestanding sign is allowed per legal lot of record, provided the lot has 50 or more lineal feet of street frontage. Two or more contiguous lots under the same ownership, wherein each of the lots have less than 50 lineal feet of street frontage, may have their street frontages combined for purposes of determining the lineal feet of street frontage for the one allowed freestanding sign. This is the only instance where street frontages may be combined for sign allowance purposes.
      b) In cases where a legal lot of record has multiple street frontages, each of which exceed 100 lineal feet, that legal lot of record may have one freestanding sign for each such street frontage, provided the freestanding sign allotted per street frontage is placed adjacent, and oriented to, the street frontage from which the allowance is obtained.
         i. Additionally, if one or more of the multiple street frontages exceeds 200 lineal feet, then one additional freestanding sign

may be placed adjacent, and oriented to, such street frontage that exceeds 200 lineal feet.

2. Area Limitations.
   a) The allowed area of a freestanding sign is one square foot of sign area per one lineal foot of street frontage, up to a maximum area of 100 square feet.
3. Placement.
   a) Freestanding signs must comply with clear-vision area requirements of LCMC 17.52.060.
   b) No freestanding sign may be within 100 linear feet of another freestanding sign on the same legal lot of record.
4. Height.
   a) The maximum height of a freestanding sign is 20 feet measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if it is above the street level.
   b) Where the adjoining ground level is the reference in determining the permissible height of a freestanding sign, it is unlawful to alter the grade or ground level below the sign so as to allow a taller sign.

17.72.110 Illumination – General restrictions.

A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.
B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian, or the general public.
C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.
D. The illumination of signs shall comply with the following:
   1. Neon, LED, or incandescent illumination is allowed, subject to these standards.
   2. Illumination is allowed either internally, externally, directly, or indirectly, subject to these standards.
   3. No exposed reflective type bulb, par spot, nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a travel way, but may be used for indirect light illumination of the display surface of a sign.
   4. When neon tubing is employed for illumination, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.

5. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a sign face spaced at least nine inches, center to center.

17.72.120 Electronic display centers and changeable copy signs.

A. All electronic display centers shall come equipped with automatic dimming controls that automatically adjust the display brightness based on ambient light conditions such as from day to night or on a cloudy day.

B. No electronic display center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a present distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (Example using a 12-square-foot sign: square root of (12x100) = 34.6 feet measuring distance.)

C. One electronic display center or changeable copy sign is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage.

D. The display in the electronic display center may not change or move more often than once every hour.

E. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.

F. The electronic display center must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

G. Sign area of the display portion of the electronic display center or changeable copy sign may not exceed 30 percent of the provided sign face.

H. The electronic display center or changeable copy sign must be part of an attached sign or freestanding sign, is not allowed as a separate sign, and is included in the calculation of allowed attached or freestanding sign face area.

I. Incorporation of electronic display centers and changeable copy signs:

1. Electronic display centers may be incorporated into either attached or freestanding signs, but not roof signs.
2. Changeable copy signs may be incorporated into either attached or freestanding signs, but not roof signs.
3. Electronic display centers and changeable copy signs are only allowed as part of permanent attached or freestanding signs and may not be utilized as stand-alone permanent signs.
4. Electronic display centers and changeable copy signs are subject to the provisions of Sections 17.72.110 and 17.72.120.

17.72.130 Violations.

Any sign that is located, constructed, maintained, repaired, or used in violation of city code constitutes a nuisance. The city may take action against such as provided in Chapter 17.84 LCMC or as provided in Chapter 8.12 LCMC.

~~**SIGN REGULATIONS**[1]~~

~~**Sections:**~~

~~**17.72.010 Statement of purpose.**~~
~~**17.72.020 Conformance with chapter provisions.**~~
~~**17.72.030 Definitions.**~~
~~**17.72.040 Prohibited signs.**~~
~~**17.72.045 Exempt signs and limits of exemptions.**~~
~~**17.72.050 Application and permit requirements for permanent and temporary signs.**~~
~~**17.72.060 Special conditions, standards and limitations by zoning district.**~~
~~**17.72.070 Permit fees.**~~
~~**17.72.080 Sign maintenance.**~~
~~**17.72.090 Nonconforming signs.**~~
~~**17.72.100 Nuisance signs.**~~

~~**17.72.010 Statement of purpose.**~~

~~**Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this chapter is to regulate all signs within Lincoln City to ensure that they are appropriate for their uses, in keeping with the appearance of the affected property and surrounding neighborhood, and protective of the public health, safety, and general welfare by:**~~

~~**A. Setting standards and providing uniform, rationally based controls that permit reasonable use of signs and preserve the character of Lincoln City;**~~

~~**B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, construction and locations as may create a hazard to pedestrians, cyclists, and motorists;**~~

~~**C. Avoiding excessive conflicts from large and multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion;**~~

~~**D. Establishing a process for review and approval of sign permit applications; and**~~

~~**E. Ensuring sign design that builds on the image and the visual environment Lincoln City wishes to promote.**~~

~~**This chapter must be interpreted in a manner consistent with the United States and Oregon Constitutional guarantees of free speech and expression. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this chapter which can be given effect without the invalid provision. (Ord. 2019-14 § 1)**~~

~~**17.72.020 Conformance with chapter provisions.**~~

~~A. Any sign erected, altered, or repaired after May 8, 2019, must conform to the requirements of this chapter.~~
~~B. Properties in the Oceanlake Plan District (OPD), Nelscott Plan District (NPD) and Taft Village Core (TVC) zones are subject to additional or different sign requirements. Applicants should examine the texts of those zones before applying for sign permits.~~
~~C. This chapter addresses temporary and permanent signs requiring a permit; exempt temporary signs (those not requiring a permit) are addressed in Chapter 9.34 LCMC.~~
~~D. The city building code, LCMC 15.04.020(C), adopts by reference "The Uniform Sign Code" (1997 Edition), promulgated by the International Conference of Building Officials, Whittier, California. (If any of the provisions in this chapter are in conflict with the Uniform Sign Code, the provisions of this chapter will prevail.) (Ord. 2019-14 § 1)~~

~~17.72.030 Definitions.~~
~~For the purposes of this chapter, the following terms, phrases, words and their derivations will have the meaning given here. Unless expressly stated otherwise, any pertinent word or term not defined here will be construed to have its legal definition or, in the absence of a legal definition, its meaning as commonly accepted by practitioners such as civil or structural engineers, surveyors, architects, landscape architects, and planners.~~
~~"Address sign" means a permanent sign that designates the street number, street name, unit number, or unit name for identification purposes. Such signs are required government signs, necessary for public safety purposes. An address sign is exempt from permitting.~~
~~"Athletic field sign" means any permanent or temporary government sign located on the outfield fence or other structure of an athletic field. An athletic field sign is a government sign exempt from permitting, except that a privately owned (temporary or permanent) athletic field sign located on public property must be placed pursuant to a permit and concession/fee agreement and permit by the parks department or other governmental owner, administering a content-neutral sign policy.~~
~~"Attached sign" means wall signs, projecting signs, and roof signs.~~
~~"Banner" means a temporary sign printed on cloth, bunting, paper, plastic, or similar flexible material attached to a building, structure, staff, pole, rope, wire, or framing. A banner may be permitted only as a temporary sign. A flag is not a banner.~~
~~"Beacon sign" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the sale lot as the light source; any light with one or more beams that rotate or move.~~
~~"Directional sign" means a sign required or approved through the government development review process which directs vehicular and pedestrian traffic and is typically shown or referred to on a governmental site plan approval. Examples of these government signs include entrance and exit signs, tsunami evacuation signs, or other educational or instructional signage. Except for evacuation signs, such signs must not exceed two and one-half feet in height and are no larger than six square feet.~~

~~"Feather banner" means a temporary sign on cloth, bunting, plastic, paper, or similar nonrigid material attached to a structure, staff, or pole and that is taller than it is wide. A feather banner is not a flag.~~

~~"Flag" means a sign made of fabric or other similar nonrigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."~~

~~"Flashing sign" means an illuminated sign on which artificial or reflected light is not stationary and constant in intensity and color at all times when in use, but changes or cycles on and off by any means more frequently than once in any one-hour period. The actual change of display for an illuminated, changing image sign must be completed in two seconds or less. Displays must change by instantaneous change from one static display to another, and once changed, must remain static until the next change. Signs must not scroll, travel, or display video. A change in light intensity around sunset or sunrise to bring the illumination to an appropriate daytime or nighttime level is not "flashing" as that term is used in this chapter. "Flashing signs" are not (1) signs that are entirely located within an enclosed building and are not observable from the exterior of such buildings; or (2) flashing or changing message signs located inside or outside an enclosed building, but not observable from any public or private right-of-way or other property.~~

~~"Flying signs" are temporary signs, which include but are not limited to balloons, blimps, or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means, that are tethered to a fixed permanent location.~~

~~"Freestanding sign" means a sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent and detached from any building or other structure, whether portable or stationary. Freestanding signs include ground signs and pole signs.~~

~~Frontage, Business. "Business frontage" means the lineal front footage of a building or portion thereof devoted to a specific business or enterprise and having an entrance/exit open to the general public.~~

~~Frontage, Street. "Street frontage" means the lineal dimension in feet that the property on which a structure is built abuts a public street or streets.~~

~~Government Signs. A "government sign" is a sign that is constructed, placed or maintained by the federal, state, local government or special district, or a sign that is required to be constructed, placed or maintained by the government, including local development approval conditions, either directly or to enforce a property owner's rights. Examples of government signs include but are not limited to required traffic control signage, address signs, apartment and motel unit identification signs, directional signs, subdivision identification signs, signs to exercise rights per trespass or solicitation ordinance or statute, athletic field signage (including approved concessions), other municipal facility identification or safety signage.~~

~~"Ground sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. A ground sign is also known as a monument sign.~~

~~"Illuminated sign" means a sign that is illuminated by electric lights or luminous tubes as a part of the sign proper. An internally illuminated sign is illuminated through its sign face or backlit by a light source contained inside the sign. An externally illuminated sign is illuminated by a light source exterior to the sign that is aimed at its surface.~~

~~"Inflatable sign" means a sign that is inflated with air or other gas, including signs kept inflated with a blower or other means, and is made of flexible material which may be of various three-dimensional shapes. A normal balloon 14 inches in size or smaller is not considered an inflatable sign.~~

~~"Lot" means a parcel of land under one ownership, whether described by metes and bounds or as a platted subdivision or partition lot. "Lot" generally refers to a legally created lot.~~

~~"Moving signs" means signs that revolve, rotate, swing, undulate or otherwise attract attention through the movement of parts, or through the impression of movement.~~

~~"Multi-business complex" means premises operated or developed as a unit with an undivided or nonsegregated parking area that functions as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.~~

~~"Nonconforming sign" means any sign which lawfully exists prior to the effective date of the ordinance codified in this chapter but which, due to the requirements herein, no longer complies with the height, area or placement regulations or other provisions of this title.~~

~~"Original art display" means a hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include mechanically produced or computer-generated images, including but not limited to digitally printed vinyl, electrical or mechanical components or changing image art display.~~

~~"Parked vehicle sign" means any sign attached to or displayed on any type vehicle or trailer which is parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to display the sign. However, this is not in any way intended to prohibit signs placed on or affixed to or in the windows of vehicles and trailers, where the sign is incidental to the primary use of the vehicle or trailer.~~

~~"Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~"Pole sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.~~

~~"Portable sign" means a sign that is designed to be transported or moved and not permanently attached to the ground, a building, or other structure. Portable signs include~~

~~sandwich board signs, A-frame signs, swinger signs, and similar constructed signs. Such signs are not exempt from land use permitting and may not be placed on public property.~~
~~"Projected image sign" means a sign displayed by projecting an image onto a wall or other surface.~~
~~"Projecting sign" means any wall sign that is affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.~~
~~"Roof sign" means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.~~
~~"Sign" means any display, illustration, structure or device that has a visual display visible from a public right-of-way and designed to identify, announce, direct or inform, or otherwise for the purpose of communicating a message. The scope of the term "sign" does not depend on the content of the message or image being conveyed. "Sign" includes the sign faces as well as any supporting structure.~~
~~"Sign repair" means fixing or replacement of broken or worn parts. Replacement may be of comparable materials only, and in the case of nonconforming signs replacement of a structural member triggers compliance with current requirements. Repairs may be made with the sign in position or with the sign removed.~~
~~"Sign structure" means a structure specifically intended for supporting or containing a sign.~~
~~"Sign that creates glare" means a sign that is not designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon public rights-of-way and surrounding property.~~
~~"Signs on natural objects" means signs that are attached or otherwise affixed to trees or other vegetation, or painted, printed, or drawn upon a rock or other natural feature in its natural location.~~
~~"Snipe sign" means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, glued or otherwise attached to trees, poles, stakes, fences, natural features, or other objects not erected, owned and maintained by the owner of the sign.~~
~~"Structural alteration" means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials; for example, metal parts replacing wood parts.~~
~~"Structural trim" means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.~~
~~"Subdivision sign" is a form of government address sign and means a permanent sign at the entrance to the subdivision that designates the subdivision name for identification purposes. Such signs are necessary for public safety purposes and generally approved with governmental site plan approval. Such a sign requires permitting, is generally a freestanding sign and may not exceed 42 square feet.~~
~~"Temporary sign" means a sign intended to be displayed for a specified period of time only and then removed. Temporary signs include, but are not limited to, portable signs, banners, flags, pennants, balloons, blimps, streamers, posters, or other like signs meeting~~

~~the dimensional requirements of this chapter. Temporary signs are prohibited except as authorized by Chapter 9.34 LCMC and this title and do not include any form of prohibited sign listed in LCMC 17.72.040(A).~~

~~Undeveloped Lots or Parcels. A lot or parcel is undeveloped unless: (1) lawful business operations are conducted on the lot in good faith; and (2) the lot either contains development that has been approved through site plan review pursuant to LCMC 17.52.240 or contains development that would have been required to go through site plan review if site plan review had existed at the time the development occurred.~~

~~"Wall sign" means a sign that is affixed parallel to the wall or printed on a wall of any building, is affixed flat against the sloping surface of a wall, or is affixed to the face of a building marquee, building awning, or a building canopy. A wall sign must not project above the top of the wall or beyond the end of the building.~~

~~"Window sign" means a sign that is applied, printed, or affixed to a window, or placed inside a window within three feet of the glass, facing the outside of the building and visible from the outside.~~

~~"Windsock" means a light, flexible cylinder or cone mounted on a mast to show the direction and strength of the wind, especially at an airfield. (Ord. 2019-14 § 1)~~

~~17.72.040 Prohibited signs.~~

~~A. Generally prohibited signs include the following:~~

~~1. Flashing signs (except as provided in LCMC 9.34.020(E)).~~

~~2. Moving signs.~~

~~3. Snipe signs.~~

~~4. Inflatable signs (except as provided in LCMC 9.34.020(E)).~~

~~5. Pennants, strings and streamers.~~

~~6. Signs that emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.~~

~~7. Signs that prevent free ingress or egress from any door, window, or fire escape, or that prevent free access from one part of a roof to any other part.~~

~~8. Reflective signs or signs that contain mirrors.~~

~~9. Flying signs.~~

~~10. Projected image signs.~~

~~11. Beacon signs.~~

~~12. Signs that imitate traffic-control devices or can be confused with any authorized traffic control sign, signal or other device.~~

~~13. Signs that obstruct clear vision areas or that otherwise interfere with or obstruct the view of any authorized traffic control sign, signal or other device.~~

~~14. Signs on natural objects.~~

~~15. Sign that creates glare.~~

~~16. Parked vehicle signs.~~

~~17. Signs prohibited by state or federal law.~~

~~18. Temporary signs, except as provided in Chapter 9.34 LCMC and as authorized by city permit.~~

~~19. Feather banners, except when substituted for a flag as provided in LCMC 17.72.060(C)(2).~~

~~B. Specially prohibited signs by zoning district include the following:~~

~~1. Signs on undeveloped lots or parcels in the GC, PI, RC, PC, M-W, TVC, OPD and NPD zones. (Ord. 2019-14 § 1)~~

~~17.72.045 Exempt signs and limits of exemptions.~~

~~A. Exempt Signs and Limits of Exemptions. The following signs are exempt from the permit requirement of this chapter, subject to the limitations in this code, including the definition of such signage:~~

~~1. Exempt temporary signs referenced in LCMC 9.34.020.~~

~~2. Government signs.~~

~~3. Signs that are designed to be read only from within buildings or other business premises such as parking and maneuvering areas and interior public spaces such as within multi-business complexes.~~

~~4. Original art displays.~~

~~5. Markers in cemeteries and mausoleums. (Ord. 2019-14 § 1)~~

~~17.72.050 Application and permit requirements for permanent and temporary signs.~~

~~A. Except as otherwise provided by this title and Chapter 9.34 LCMC, no person may erect or re-erect, reconstruct, and/or structurally alter or replace any sign without a sign permit.~~

~~B. An applicant for a sign permit must supply the following information on or attached to application forms provided by the planning department:~~

~~1. Size, height, location, description, and all dimensions, and weight of the materials of the sign;~~

~~2. Name of manufacturer, erector, and owner;~~

~~3. Sketch and description of sign surface areas, sign structure and sign lighting. Measurement of allowable sign surface area must include:~~

~~a. The actual geometric area contained within the borders of the sign, including blank space, as well as sign surface;~~

~~b. Only one side of double-faced or back-to-back signs whose surfaces diverge at less than 45 degrees;~~

~~c. For signs having an irregular shape or having no definite border, such as those painted on the walls of buildings, a rectangle that completely encloses the sign;~~

~~4. Certification by the property owner and/or lessee that the information provided on the application is accurate. (Ord. 2019-14 § 1)~~

~~17.72.060 Special conditions, standards and limitations by zoning district.~~

~~A. General Standards Applicable to All Permanent Signs.~~

~~1. Illuminated signs must conform to electrical code and the permit fees required thereunder.~~

~~2. Light from a sign must be directed away from all residential zones and must not detract from a motorist's view of any traffic-control device. All signs must be designed, located,~~

~~shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon public rights-of-way and surrounding property.~~

~~3. The maximum sign size for any sign requiring a permit under the provisions of this chapter is 100 square feet.~~

~~4. The maximum protrusion of a sign over a street or alley or public property will be 24 inches, except along Highway 101, where no intrusion of a sign into or over the right-of-way will be allowed. Where allowed, the sign must be at least eight feet above grade. No sign shall be constructed, erected or maintained within the public right-of-way, except as installed by a duly constituted governmental entity.~~

~~B. Permanent signs may be provided for businesses within the GC, PI, RC and PC zones as follows:~~

~~1. Attached Signs.~~

~~a. Number. There is no limit on the number of attached signs each business may have, subject to the aggregate total area limitation below.~~

~~b. Area. The total sign area for attached signs must not be more than one square foot of sign area for each lineal foot of legal business frontage not to exceed an aggregate total of 100 square feet per business. Sign area must not exceed 100 square feet for any one sign. A business with less than 25 feet of business frontage may have an aggregate total of 25 square feet of sign area. A business that does not have a freestanding sign may have an additional one square foot of attached signage for each two linear feet of business frontage in excess of 100 linear feet, not to exceed an additional aggregate total of 100 square feet. Where the aggregate total of attached signs is more than 100 square feet as provided above, a business cannot have a freestanding sign until the aggregate signage attached to buildings is reduced to 100 square feet or less.~~

~~c. Roof Signs. No roof sign may extend more than six feet above a flat roof or the ridge of a pitched roof, and in no case may the combined height of the building and sign exceed the building height limitations of this title.~~

~~2. Freestanding Signs.~~

~~a. Number. Each lot with a street frontage of 50 or more lineal feet may have one freestanding sign. Owners of two or more contiguous lots of less than 50 feet may combine them for purposes of meeting the foregoing standard. Owners of corner lots can count both street frontages in determining the lineal feet of street frontage, but may have only one freestanding sign. As an alternative to the foregoing provision applicable to corner lots, a lot with multiple street frontages each of 100 linear feet or more may have one freestanding sign for each such street frontage, placed so as to be read from the qualifying street frontage. In addition, if a lot's frontage on a street exceeds 200 linear feet, the lot may have a subordinate freestanding sign on that street. No freestanding sign may be within 100 linear feet of another freestanding sign on the same lot.~~

~~b. Area. Signs must not exceed an area of one square foot for each lineal foot of street frontage, with a maximum area of 100 square feet per sign. A subordinate freestanding sign must not exceed an area of one square foot for each two lineal feet of street frontage in excess of 200 feet with a maximum area of 100 square feet per sign.~~

~~c. Placement. Signs on corner properties also must comply with the vision clearance provisions of LCMC 17.52.060.~~
~~d. Height. The maximum height of a freestanding sign is 20 feet measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if it is above the street level.~~
~~e. Where the adjoining ground level is the reference in determining the permissible height of a freestanding sign, it is unlawful to alter the grade or ground level below the sign so as to allow a higher sign.~~
~~C. Temporary Signs. Businesses within the GC, PI, RC, PC, TVC, OPD and NPD (except NCR) zones may have the following temporary signs:~~
~~1. The exempt temporary sign permitted by LCMC 9.34.020(D) may not exceed 32 square feet in size in the above zones.~~
~~2. Flags/Windsocks. In a commercial zone, up to three temporary flags are permitted per business location. In a commercial zone a flagpole must be shown on the approved site plan. A flagpole and flag may not project into a public right-of-way or onto abutting property and no flagpole may exceed the maximum building height in the underlying zone. Up to two windsocks are permitted, when securely attached to a pole or structure. A property owner in a commercial zone may substitute two feather banners not to exceed 16 square feet for two temporary flags. The allowance in this subsection to substitute two feather banners for two flags is affirmed, extended and reinstated and shall sunset on April 8, 2020.~~
~~3. Temporary Banner Signs Requiring a Permit. A temporary banner sign is allowed subject to all the provisions of this title other than the requirement to pay a fee. Specifically, a temporary banner sign must be consistent with the sign requirements for the zone, including total signage and maximum size per sign type. All such signage must be securely attached to a structure. A permit for a temporary banner sign will be good for a time certain not to exceed 60 days. The owner of any such signs must remove such signage no later than one day following the expiration date on the temporary permit. The city may deny a request for such a temporary banner sign if the sign would obstruct a public right-of-way. The city will issue no more than two temporary permits per business in a calendar year. A temporary banner sign permitted under this section may be located on an undeveloped lot or parcel.~~
~~4. Portable signs require a permit and are subject to the following standards and limitations:~~
~~a. Number. Each legal lot may have one sign of this type.~~
~~b. Area. The sign must not exceed an area of 12 square feet, and no dimension of the sign face may exceed four feet.~~
~~c. Placement. The sign must comply with the clear vision provisions of this title, may not obstruct vehicular or pedestrian circulation and must comply with the Americans with Disabilities Act administrative guidelines.~~

~~d. Prohibition. No portable sign may be placed in a street, alley, public right-of-way or on public property, unless granted a permit by the city and/or the Oregon Department of Transportation.~~

~~e. Attachments. The portable sign may not be supplemented with lights, balloons, flags, ribbons, streamers, or other attachments.~~

~~5. Additional Seasonal Signs. A person holding a seasonal permit issued under LCMC 5.04.150(B) for the temporary outside display of merchandise may obtain permits for up to two signs whose combined areas total not more than 64 square feet, in addition to any other signs allowed for a lot. Any such signs may be displayed only during the same period as the seasonal permit for the temporary outside display of merchandise. The permittee must remove any such signs no later than one day following the expiration date on the permit.~~

~~D. Additional Sign Regulations in the R-1, R-1-RE, R-M, R-R, VR, and NCR Zones.~~

~~1. Any lighting provided for signs in the above zones must be indirect. No flashing lights, electronic message centers or moving or rotating parts are allowed on signs in the above zones.~~

~~2. For the exempt temporary sign permitted by LCMC 9.34.020(A), a property owner may make such temporary sign permanent, provided the sign dimensions are not exceeded and building permit requirements are not triggered.~~

~~3. For the exempt temporary sign permitted by LCMC 9.34.020(D), the size of such sign is limited to eight square feet.~~

~~4. An authorized nonresidential use in the above zones may have a sign not exceeding 50 square feet in area.~~

~~5. In an R-M zone, sites with three or more residential units in a building may have one additional sign not to exceed 20 square feet and one additional sign per building, not to exceed 10 square feet for each sign. A permit is required.~~

~~6. Flags/Windsocks. In residential zones the limit is three temporary flags per residential lot and two windsocks when such windsocks are attached to a pole or structure. A flagpole 25 or more feet in height triggers building permit requirements. A flag two square feet or less is not counted as a flag. No flagpole may exceed the maximum building height in the underlying zone. (Ord. 2019-34 § 1; Ord. 2019-14 § 1)~~

~~17.72.070 Permit fees.~~

~~A. Application Fees. The application for a new sign permit must be accompanied by a fee set by resolution of the council.~~

~~B. Nonconforming Signs. If an existing nonconforming sign that was previously permitted under a prior ordinance is brought into conformity with this chapter or replaced with a sign meeting the requirements of this chapter, a permit will be required but no fee will be charged. (Ord. 2019-14 § 1)~~

~~17.72.080 Sign maintenance.~~

~~A. Premises Maintenance. The owner must maintain all signs and the surrounding premises in a clean and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.~~

~~B. Unsafe and Unlawful Signs. If the planning director finds that any permanent or temporary sign or other sign structure on private property regulated by this chapter or Chapter 9.34 LCMC is unsafe or insecure, is a threat to the public health or safety, is abandoned or maintained in a dilapidated condition, or has been constructed, erected, or maintained in violation of the provisions of this chapter or Chapter 9.34 LCMC, the planning director will give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove, repair, replace or alter the sign so as to comply with the standards of the municipal code within the time specified in such notice (not less than 10 days nor more than 30 days), the planning director or designee may issue a citation pursuant to Chapter 1.16 LCMC. Such an offense is a Class B violation. Each day the violation persists is a separate offense. The planning director may also, but is not required to, after appropriate due process with a right to appeal, enter and remove, repair or alter the sign to comply at the expense of the owner or permittee which will constitute a lien upon the property. The planning director or his/her representative may declare any sign or other structure that is an immediate peril or imminent threat to persons or property to be a public nuisance and may remove it without notice. The owner or lessee of any sign removed without notice has the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign.~~

~~C. Summary Abatement. The city may remove without notice any unauthorized temporary or permanent sign in a public right-of-way to a place of storage. If the city reasonably estimates the value of the sign materials to be less than $10.00, the city may immediately dispose of the sign without notice. For a sign of greater estimated value, a notice of removal will be sent to any owner known to the city, notifying that the sign will be destroyed unless claimed within 20 days of the notice. If the owner is unknown to the city, the sign may be destroyed without notice, if unclaimed after 20 days from the date of removal. No sign removed from the right-of-way will be returned to the owner, unless the owner pays a removal fee to the city in an amount set by council resolution. Nothing in this section prohibits citation of the sign owner under Chapters 1.16 and 9.34 LCMC.~~

~~D. Inspection Requests. Any person may file a written request with the planning director requesting an inspection of one or more existing permanent signs as identified in the request. In each such instance, the city will inspect such sign(s) to determine compliance with the provisions of this chapter; however, no existing permanent sign needs to be inspected more than once annually. The planning director will report the results of the inspection to both the owner of the inspected sign and to the person filing the request for inspection. (Ord. 2019-14 § 1)~~

~~17.72.090 Nonconforming signs.~~

~~Nonconforming signs are not subject to the provisions of Chapter 17.64 LCMC. All permanent signs and sign structures must be brought into conformance with this chapter when and if any of the following occurs:~~

~~A. The sign is removed, relocated, or significantly altered. Significant alteration includes, but is not limited to, changing the size or dimension of the sign, replacing a structural member, adding a sign cabinet, or changing the electrical facilities, or type of illumination. Changes to sign copy or the replacement of a sign face with a sign face of identical material are not significant alterations.~~

~~B. Damage to the sign by any cause to the extent of 50 percent of the replacement value of the sign.~~

~~C. An alteration in the sign structure.~~

~~D. A change in the material of the sign face.~~

~~E. No nonconforming single-sided sign may be converted to a two-sided or double-faced sign.~~

~~F. Expansion or change in use of one or more buildings at the site that requires a building permit or site plan review at that site. A nonconforming sign used by multiple entities at a multi-business complex must be brought into conformance prior to any expansion of the multi-business complex that requires site plan or planning commission review. (Ord. 2019-14 § 1)~~

~~17.72.100 Nuisance signs.~~

~~Any sign that is located, constructed, maintained, repaired or used in violation of this chapter constitutes a nuisance. The city may take action against such signs as provided in Chapter 17.84 LCMC or as provided in Chapter 8.12 LCMC.~~

SECTION 2. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan (NP) District*), Section 17.34.150 (*Signs)* is hereby amended to read as follows:

17.34.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~17.34.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and~~

~~standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.~~

~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060 (C)(4).~~

~~3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.~~

~~**Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).**~~

SECTION 3. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core (TVC) Zone*) Section 17.45.070 (*Signs)* is hereby amended to read as follows:

17.45.070 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~**17.45.070 Signs.**~~

~~**Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:**~~

~~**A. Freestanding pole signs and internally illuminated signs are prohibited.**~~

~~**B. Sign Area.**~~

~~**1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.**~~

~~**2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.**~~

~~**C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.**~~

~~**D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance.**~~

SECTION 4. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.50 (*Oceanlake Plan (OP) District*) Section 17.50.150 (*Signs)* is hereby amended to read as follows:

17.50.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

~~**17.50.150 Signs.**~~

~~**A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.**~~

~~**B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:**~~

~~**1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure**~~

~~**building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.**~~

~~**2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060 (C)(4).**~~

~~**3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.**~~

~~**4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.**~~

~~**5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.**~~

~~**6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC, 17.50.160 Exterior lighting.**~~

SECTION 5. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.16 (*Single Family Residential (R-1) Zone*), Section 17.16.080 (*Signs),* is hereby amended to read as follows:

17.16.080 Signs.

Signs shall be **allowed** ~~**permitted**~~ **subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.** ~~**as set forth in Chapter 17.72 LCMC.**~~

SECTION 6. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.17 (*Single Family Residential Roads End (R-1-RE) Zone*), Section 17.17.080 (*Signs),* is hereby amended to read as follows:

17.17.080 Signs.
Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~The regulations of Chapter 17.72 LCMC apply to the permitting, use, and characteristics of signs.~~

SECTION 7. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.080 (*Signs),* is hereby amended to read as follows:

17.18.080 Signs.
Signs shall be allowed, subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted as set forth in Chapter 17.72 LCMC.~~

SECTION 8. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.070 (*Signs),* is hereby amended to read as follows:

17.24.070 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 9. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.080 (*Signs),* is hereby amended to read as follows:

17.28.080 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 10. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.090 (*Signs),* is hereby amended to read as follows:

17.32.090 Signs.
Signs shall be **allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~permitted in accordance with the provisions of Chapter 17.72 LCMC.~~**

SECTION 11. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.060 (*Signs),* is hereby amended to read as follows:

17.36.060 Signs.
Signs shall be **allowed subject to ~~permitted in accordance with~~ the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.**

SECTION 12. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.64 (*Nonconforming Situations*), Section 17.64.010 (*General Provisions),* is hereby amended to read as follows:

17.64.010 General provisions.

These provisions apply to nonconforming sites, structures, and uses, including accessory uses~~,~~ ~~**commercial**~~ **and** design standards, but not signs. See LCMC 17.72**.~~090~~050** for nonconforming sign regulations.

SECTION 13. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing sign regulations as set forth in this ordinance, LCMC 17.72 as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 14. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 15. Severability.

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

SECTION 16. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 17. Ordinance Effective Date.

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

SECTION 18. Codification.

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

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July, 2020 (First Reading) and on the 10th day of August, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of August, 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

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

All documents relating to the proposal(s) (amendments) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

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

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

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

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

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

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

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing

ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

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

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

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

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches & Dunes

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

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

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

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

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

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

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

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

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

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

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

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

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

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

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

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-15 Procedures

Meeting Date:	August 10, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve Second Reading and adopt Ordinance 2020-15 entitled:

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

Staff Recommendation:

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

Authority:

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

Background:

First Reading was approved on July 13, 2020. Second Reading was continued to August 10, 2020 from the July 27 2020 Council meeting.

The Planning Director initiated a re-write of the procedural provisions of the Municipal Code to establish a more uniform process. The process is essentially now consistent with many other jurisdictions in the state – which should reduce confusion and simply review processes. There was no objection (written or oral) submitted regarding this amendment during the public hearing process. The Planning Commission recommended approval on July 7, 2020.

Council Options:

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

2. Continue Second Reading to August 24, 2020 [or]

3. Do not proceed with proposed ordinance.

Potential Motions:

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-15.

   [or]

2. Motion to continue Second Reading for August 24, 2020.

Attachments:

JULY 7 2020 with AMS edits to RA June 22 2020 Procedures review format PUD (DOCX)

FINAL Ext. A Findings 2020-1314 and 15_ (DOCX)

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS REMOVING OTHER PROCEDURES AND STANDARDS FOR A MORE EFFICIENT REVIEW PROCESS

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

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

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

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

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

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

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed

amendment(s) and on February 26, 2020; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on June 16, 2020, held a public hearing and considered the amendments contained within this ordinance. On July 7, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be split between content-based corrections and other provisions to be incorporated into the design review process; and

WHEREAS, the City Council held a public hearing on June 22, 2020. On June 22, 2020 Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020 and August 10, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.76 *(Administrative Provisions)* is hereby amended to replace the existing provisions with a new uniform procedural chapter, as follows:

Chapter 17.76 Procedures.

17.76.010 Purpose.
17.76.020 Summary of Procedure Types.
17.76.030 Type I Procedure.
17.76.040 Type II Procedure.
17.76.050 Type III Procedure.
17.76.060 Type IV (Legislative).
17.76.070 [*Reserved*].
17.76.080 Initiation of an Application.
17.76.085 Withdrawal of an Application.
17.76.090 Pre-Application Conference.
17.76.100 [*Reserved*].
17.76.110 Application Submittal and Completeness Review.
17.76.120 Conditions of Approval.
17.76.130 Effective Date of Decision.
17.76.140 Expiration of Decision.
17.76.150 Extension of Decision.
17.76.160 Public Hearings.
17.76.170 Public Hearings on Cases Remanded from LUBA.
17.76.180 Appeals.

17.76.010 Purpose,

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures for review and processing land use applications and permits, for the following reasons:

1. **To make the review process clear and undertandable for applicants and property owners;**
2. **To enable the public to effectively particpate in the local decision-making process; and**
3. **To facilitate timely review of land use applications and permits by the city.**

17.76.020 Summary of Procedure Types,

A. General. All land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application.

B. Description of Procedure Types. There are four types of decision-making procedures:

1. **Type I Procedure. Type I procedures apply to "ministerial" permits and applications. Decisions on ministerial permits and applications are made by the director, based on approval criteria that do not require exercise of policy or legal judgment.**

2. **Type II Procedure. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective criteria that require only limited discretion in applying approval criteria. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.**

3. **Type III Procedure. Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.**

4. **Type IV Procedure. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council, taking into consideration a recommendation from the Planning Commission, and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. Type IV**

procedures require public notice and one or more public hearings.

C. Determination of Proper Procedure Type. Unless already specified in Table 17.76.020-1, the director shall determine whether an application is processed as a Type I, II, III, or IV procedure based on the descriptions in subsection B, above. Questions regarding the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.

D. Consolidated Reviews.

1. Multiple Type II or III applications for a single proposal shall be consolidated and processed concurrently under the highest numbered procedure required for any part of the application. For example, a proposal requesting both Development Review (Type II) approval and Conditional Use Permit (Type III) approval is processed concurrently as a Type III procedure.

2. When consolidated, the following processes shall be applied:
a. Separate responses to the applicable criteria shall be submitted for each application;
b. The public notice shall identify each application to be decided; and
c. Separate findings and decisions shall be made on each application.

3. If the consolidated proposal includes an application for a comprehensive plan map amendment, the final decision on the plan map amendment shall precede any decision on a proposed zone change and all other decisions on a proposed development. Similarly, the final decision on a zone change shall precede a decision on proposed development review or any other action.

E. Summary Table. Table 17.76.020-1 summarizes land use applications and permits by procedure.

F. Application Elevation. Notwithstanding Table 17.76.020-1 or the director's determination, an applicant may request to elevate a Type I or II application to a higher numbered procedure type, and the request shall be granted if the director determines that the statutory timelines for reaching a final decision can be met.

G. Application of Days in Procedures. Timelines in this chapter are expressed in 24-hour calendar days, unless the deadline for an action falls on a weekend or legal holiday, in which case the deadline will be considered to be the (calendar) day after the weekend or legal holiday.

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Adjustment	**Type II**	**Director**
Annexation	**Type IV**	**Planning Commission recommends** **City Council decides**
Appeal	**Type III**	**Planning Commission**
Bed and Breakfast Accommodations	**Type I**	**Director**
Comprehensive Plan Map Amendment	**Type III or IV**	**Planning Commission recommends** **City Council decides Regardless of Type III or Type IV**
Conditional Use Permit Application	**Type III**	**Planning Commission**
Development Review Application	**Type II**	**Director**
Director's Interpretation	**Type II**	**Director**
Geologic Hazard Report and/or Beach Protective Structure Review	**Type II**	**Director**
Home Occupation Application	**Type I**	**Director**
Lot Line Adjustment	**Type II**	**Director**
Mobile Food Unit Application	**Type I**	**Director**
Modification of Approved applications, plans, or conditions of approval	**Type II or Type III, based upon the procedure type of the original application**	**Director if Type II** **Planning Commission if Type III**
Natural Resource Development Review	**Type II**	**Director**
Partition	**Type II**	**Director**
Nonconforming – Determining that nonconforming use, site, or structure is lawful	**Type II**	**Director**

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Nonconforming – Restoration of a Substantially Damaged Lawful, Nonconforming Structure or Use	Type II – Single-unit dwelling or duplex Type III – Multi-unit dwelling, mixed use, or commercial	Director Planning Commission
Planned Unit Development Preliminary Master Plan Final Master Plan	 Type III Type I	 Planning Commission Director
Subdivision Preliminary Plat Final Plat	 Type III Type I	 Planning Commission Director
Text Amendment	Type IV	Planning Commission recommends City Council decides
Tree Permit	Type I	Director
Vacation Rental Dwelling	Type II	Director
Variance	Type III	Planning Commission
Zone Change	Type III or IV	Planning Commission recommends City Council decides Regardless of Type III or Type IV
Zoning Sign Permit	Type I	Director

17.76.30 Type I Procedure.

A. General Description. Type I procedures apply to "ministerial" permits. Decisions are made by the director, based on clear and objective approval criteria, and do not require interpretation or the exercise of policy or legal judgment.

B. When Applicable. Table 17.76.020-1 identifies Type I applications. Applications not listed on Table 17.76.020-1 may be identified as Type I by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type I applications.

D. Application Requirements. Type I applications shall:

1. **Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application form.**

2. **Be accompanied by the required fee adopted by City Council resolution.**

3. **Be subject to the completeness review procedures set forth in subsections 17.76.110.D and E.**

E. Public Notice. Type I applications do not require public notice.

F. Review Authority. The review authority for Type I applications shall be the director. The director shall approve, approve with conditions, or deny a Type I application within 15 days of being deemed complete.

G. Notice of Decision. The notice of decision consists of the approved permit or application signed by the director or a copy of the permit or application marked "denied" and signed by the director.

H. Effective Date. A Type I decision is final on the date it is signed by the director.

17.76.040 Type II Procedure.

A. General Description. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.

B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed on Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.

D. Application Requirements. Type II applications shall:

1. **Be submitted on application forms provided by the department and shall include**

all information, exhibits, plans, reports, and signatures requested on the application forms.

2. Be accompanied by the required fee as adopted by City Council resolution.

3. Be subject to the completeness review procedure set forth in subsections 17.76.110.D. and E.

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.

1. After a Type II application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written public notice to the following:

   a. The applicant and applicant's representative;
   b. The owners of record of the subject property;
   c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record; and
   d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.

2. The written public notice shall include the following:
   a. A brief description of the request;
   b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;
   c. The street address or other easily understood geographical reference to the subject property;
   d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);
   e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and
   f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

3. An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.

4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.

F. Review Authority. The review authority for Type II applications shall be the director.

G. Decision.

1. Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.

2. The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:
   a. The applicant and applicant's representative;
   b. The owners of record of the subject property;
   c. Any person, group, agency, association, or organization who submitted written comments during the comment period; and
   d. Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.

3. The notice of the decision shall include the following:
   a. A brief description of the request;
   b. A statement of the decision and the applicable approval criteria used in making the decision;
   c. The street address or other easily understood geographical reference to the subject property;
   d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;
   e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;
   f. A statement that the complete file is available for review; and
   g. The name of a department staff member to contact and the telephone number where additional information may be obtained.

H. Appeal.

1. **The decision may be appealed by the applicant, property owner of the subject property, or any person who provided written comments during the public comment period, prior to its closure.**

2. **The decision shall become final unless an appeal is filed.**

3. **The review authority for an appeal of a Type II application is the Planning Commission.**

4. **The appeal shall follow the requirements and procedures of subsection 17.76.180.**

5. **The decision of the review authority on the appeal shall be the final decision of the city. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).**

17.76.050 Type III Procedure.

A. General Description. Type III procedures apply to "quasi-judicial" permits and applications. Decisions on quasi-judicial permits and applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.

B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.

D. Application Requirements. Type III applications shall:

1. **Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.**

2. **Be accompanied by the required fee as adopted by City Council resolution.**

3. **Be subject to the completeness review procedure set forth in subsections**

17.76.110.D. and E.

E. Notice of Public Hearing.

1. **After a Type III application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written notice of public hearing to the following:**
   a. **The applicant and applicant's representative;**
   b. **Owner of record of the subject property;**
   c. **Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record;**
   d. **Any neighborhood or community organization recognized by the governing body and whose boundaries include the site;**
   e. **At the discretion of the applicant, the department also shall provide notice to the Oregon Department of Land Conservation and Development.**

2. **The notice of public hearing provided shall include the following:**
   a. **A brief description of the request;**
   b. **A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;**
   c. **The street address or other easily understood geographical reference to the subject property;**
   d. **The date, time, and location of the hearing;**
   e. **A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;**
   f. **The name of a department staff member to contact and the telephone number where additional information may be obtained;**
   g. **A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
   h. **A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and**
   i. **A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**

F. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for each Type III application.

H. Public Hearing Procedure. The public hearing shall be conducted in accordance with the procedures set forth in subsection 17.76.160.

I. Notice of the Decision.

1. Following a decision on the application, a written decision in the form of a Final Order shall be prepared by the department. The Final Order shall include the following information:

a. The decision to deny or to approve the application and if approved, any conditions of approval necessary to ensure compliance with applicable criteria;

b. A list of the applicable approval criteria by code section number;

c. A statement or summary of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria; and to justify any conditions of approval. The decision authority may adopt or incorporate by reference a staff report or written findings prepared by any party to the proceeding into the Final Order to satisfy this requirement; and

d. A statement of conclusions based on the facts and findings.

2. A Notice of the Decision, including the full Final Order, shall be mailed to the applicant and to all parties of record within 7 days of the date of signing the final order. The decision is final for purposes of appeal on the date the notice of the decision is mailed. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith effort was made to mail the notice.

3. The Notice of the Decision shall include the following:

a. A summary of the decision and a list of any conditions of approval;

b. A description of the subject site reasonably sufficient to inform the reader of its location, including Assessor's Tax Map, Tax Lot number, and site address if available;

c. A statement that the decision is final unless appealed as provided in subsection 17.76.180;

d. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed; and

e. A statement noting that only those persons who made an appearance of record, either in person or by written comment, are entitled to appeal the decision.

4. Final Recommendation on Comprehensive Plan Map Amendments and Zone Changes. A Final Recommendation from the Planning Commission is issued to the City

Council for Type III comprehensive plan map or zone changes. Notice of the public hearing for Type III comprehensive plan map or zone changes before City Council is done concurrently with the notice of public hearing before the Planning Commission.

J. Appeal.

1. **The decision of the Planning Commission may be appealed to the City Council. Only the applicant, property owner, persons who made an appearance of record at the public hearing before the review authority, or persons who submitted written comment for consideration of the review authority have standing to appeal.**

2. **The appeal shall follow the requirements and procedures of subsection 17.76.180.**

3. **The City Council decision shall be the final local decision. Any further appeal shall be made to LUBA.**

17.76.060 Type IV (Legislative).

A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.

B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.

C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.

D. Application Requirements.

1. **Application forms. Legislative applications must be made on forms provided by the department.**

2. **Submittal Information. The application shall contain all of the following information:**
   a. **The information requested on the application form;**
   b. **A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and**
   c. **The required fee as adopted by City Council resolution, except when the City initiates request.**

E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:

1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.

2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. For each mailing of notice, the department shall prepare an affidavit of mailing.

F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circuation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in subsection 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.

1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a Final Recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. **Decision Authority. Upon receiving the Planning Commission's Final Recommendation, the City Council shall hold a public hearing on the Type IV application.**

I. Notice of Decision.

1. **Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commmission or the City Council.**
2. **The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.**
3. **The City Council's decision is final for purposes of appeal on the date the notice is mailed.**

J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

17.76.070 [Reserved].

17.76.080 Initiation of an Application.

A. Applications may be initiated by either the property owner of record or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. All applications shall be signed by all property owners of record as shown on the most-current recorded deed, as well as all contract purchasers if applicable, prior to submittal. Type IV applications may also be initiated by the city.

17.76.085 Withdrawal of an Application.

A. An application may be withdrawn by the applicant, applicant's representative, or property owner of record or contract purchaser at any time prior to adoption of a final city decision if the director determines that:

1. **The applicant, applicant's representative, and property owners or contract purchasers have all consented in writing to withdraw the application; and**
2. **The application is not intended to correct an identified code violation on the subject property which would remain unresolved were the application withdrawn.**

B. The city may withdraw a city-initiated application at any time.

C. Fees for withdrawn applications are not refundable.

17.76.090 Pre-Application Conference.

A. Purpose. The purposes of pre-application conferences are:

1. To acquaint property owners and applicants with the general requirements of the code, including applicable approval criteria; and

2. To advise the property owners and applicants of previous land use applications associated with the subject property.

B. Pre-application conferences are strongly advised for all applications, but are not required.

C. Pre-application conferences are intended to be advisory only, and are specifically not intended to be an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve the property owners or applicants of any responsibility for legal or technical due diligence investigation.

D. Participation in a pre-application conference does not bind the City to provision of any level of service or approval, nor does it preclude the city from enforcing all applicable regulations or from applying regulations differently than may have been indicated at the pre-application conference.

E. Pre-Application Conference Guidelines.

1. Applicants should provide any available plans for the proposed development. Any plans provided to the City before, during, or after the pre-application conference may be considered public information, unless specifically requested in writing by the property owners or applicants to remain confidential.

2. The director will coordinate attendance by City staff responsible for development review and infrastructure and building construction requirements as applicable.

3. Pre-application conferences are not open to the general public and are not public meetings. Pre-application conferences are not recorded.

4. The city may or may not provide a brief written summary of the pre-application conference. If provided, the purpose of the written summary is to provide a preliminary assessment of a proposal and shall not be construed as a recommendation by the City or by any other outside agency or service provider on the merits of the proposal.

17.76.100 [Reserved]

17.76.110 Application Submittal and Completeness Review.

A. Application Forms and Checklists.

1. **Forms for the submittal of all land use applications shall be available in the department. The department shall ensure that these forms comply with applicable standards in state law and city code.**

2. **Land use applications may include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats.**

B. Fees. A fee schedule for land use applications and other department services provided by the city shall be adopted by resolution of the City Council. Required fees shall be paid at the time of application submittal or at the time of request for a particular service.

C. Application Submittal. Land use applications or permits shall be submitted on the appropriate forms from the department.

D. Application Materials. All of the following items must be submitted to initiate the 30 day completeness review of the application, and all information supplied shall be complete and correct as to the applicable facts:

1. **Completed application form, including the signature of all property owners shown on the most-current recorded deed, and, if applicable, the signature of all prospective purchases shown on the purchase contract;**

2. **Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;**

3. **A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;**

4. **Required plans and drawings for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:**

a. Existing conditions plan,
b. Site plan,
c. Building elevations,
d. Landscaping plan,
e. Exterior lighting plan,
f. Grading and erosion control plan, and
g. Public infrastructure and utilities plan.

5. Required technical reports, analyses, assessments, etc. for the particular type of application as noted on the application checklist (e.g., traffic impact analysis, floodplain or wetland delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.) and/or as required by city code.

6. Upon written request by the applicant prior to application submittal, the director may modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the director in writing prior to submittal.

E. Determination of Completeness and Commencement of Review.

1. To be deemed complete, an application must include all materials, information, and fees listed in subsection 17.76.110.D.1 through 6, unless a specific waiver has been granted by the director under subsection 17.76.110.D.6.

2. The department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 days after the department receives the submittal.

3. If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application.

4. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the city will make a favorable decision on the application.

5. If an application is deemed to be complete upon initial submittal, approval or denial of the application shall be based on the code standards and criteria that were in effect on the date of submittal. See subsection 17.76.110.F.4 for incomplete applications upon initial submittal.

6. **Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120 day timeline or unless state law provides otherwise.**

7. **Pursuant to ORS 227.178, the 120-day timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 days beyond the first 120 day extension, or 365 days from the date the application was deemed complete.**

F. Determination of Incompleteness.

1. **If an application is determined to be incomplete, that determination shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant approval criteria or development standards, or failure to supply the required signatures, information, documents listed on the application, application checklist, or in city code. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.**

2. **If an application is deemed incomplete, the incompleteness notice shall list what information is missing and allow the applicant to submit the missing information. The incompleteness notice shall also include a statement to the applicant of the need to indicate to the director whether or not the applicant intends to amend or supplement the application.**

3. **If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section when the city receives the following:**
   a. All of the missing information listed in the completeness notice; or
   b. Some of the missing information, together with written notice from the applicant that no other information will be provided; and a request to proceed with review of the application; or
   c. Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.

4. **If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the code standards and criteria that were in effect at the time the application was first submitted.**

5. **The application will be deemed void if it has been on file with the city for 181 days or more and the applicant has not submitted, pursuant to paragraph 3 above, some or all of the required additional information and/or a request to proceed with application review.**

17.76.120 Conditions of Approval.

A. Imposition of Conditions. Conditions may be imposed on any Type I, II or III approval, in accordance with relevant city code, to ensure that the proposal complies with the applicable approval criteria and code standards and requirements.

B . Nexus and Proportionality of Conditions. All conditions imposed must have a clear nexus with the development's impacts. Certain conditions must also be proportional to the development's impacts if the conditions affect interests in real property.

C. Challenge to Condition(s). If an applicant asserts that he/she cannot legally be required, as a condition of land use approval, to provide improvements or real property interests at the level required by the code, the applicant shall provide a "development impact analysis" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

1. **The estimated extent to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;**

2. **The estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;**

3. **The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and**

4. **The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system.**

D. Development Impact Analysis Consideration. The development impact analysis shall be considered by the review authority in making a determination whether the condition(s) and required improvements are reasonably related and roughly proportional to the impacts of the proposed development.

E. Modification of Conditions. Modification of conditions of approval may be sought by any of the following methods:

1. **Upon appeal of the original application, pursuant to subsection 17.76.180.E; or**

2. As a new development application.

F. Violation of Conditions of Approval. Failure to fulfill any conditions of approval within any time limits provided shall constitute a violation of the code and the subject approval will be subject to code enforcement proceedings. Enforcement proceedings may include revocation of the approval.

17.76.130 Effective Date of Decision.

A. Land use action and permit decision on Type I procedures are effective on the date of the director's decision approving or denying the application or permit, as signified by the dated signature of the director. Land use action and permit decisions on Type II and III procedures shall become effective the day after the appeal period expires if no appeal is filed. Type IV legislative actions shall become effective 30 days after the date of adoption, unless specified otherwise in the adopting ordinance.

B. If an appeal is filed on a land use action or permit decision on a Type I, II or III procedure, the decision shall become final and effective upon the date of the written decision of the final local appeal body.

C. Each land use action or permit for a Type II or III procedure shall specify the approval granted or development authorized and shall be subject to the standards and conditions set forth in this code, together with any conditions imposed by the review authority, excepting only those variances or adjustments authorized by the review authority.

17.76.140 Expiration of Decision.

A. Unless a different period of time is established within the decision, or under subsection D below, a land use action or permit granted pursuant to this subchapter expires and becomes void automatically as provided under Table 17.76.140-1 unless one of the following circumstances has occurred:

1. Substantial construction, which includes required infrastructure construction, has begun and is actively in progress in compliance with the land use action or permit approval; or

2. The approved land use has commenced and is in active operation in compliance with any applicable conditions of approval; or

3. An extension application has been filed pursuant to LCMC 17.76.150; or

4. **A copy of the recorded final plat has been submitted to the department within one year of approval of a partition or subdivision or a copy of the recorded survey map has been submitted to the department within one year of approval of the lot line adjustment.**

B. If multiple applications are processed concurrently, the review authority shall specify in the Notice of Decision a uniform expiration period for the concurrent applications.

C. If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.

D. A comprehensive plan amendment, map amendment, or zone change processed under LCMC 17.77.160 is not subject to expiration or extension.

Table 17.76.140-1 Decision Expirations and Extensions

	Decision Expiration	Extensions Allowed	Review Authority
Type I	1 year	None	Not applicable
Type II	2 years	One extension for 2 years	Director
Type III	2 years	One extension for 2 years	Planning Commission
Type IV	None	Not applicable	Not applicable

17.76.150 Extension of Decision.

A. Written Request for Extension Required. A request for an extension of the expiration date of a decision must be submitted to the department, on the appropriate form provided by the department, prior to the expiration date of the decision.

B. Extension. One extension request may be granted for the applicable period of time as specified in Table 17.76.140-1. If granted, an extension is vested against any code changes adopted since the original decision. The extension is subject to the following approval criteria:

1. **The extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the applicant's reasonable control; and**

2. **The previous land use decision will not be modified in design, use, or conditions of approval.**

17.76.160 Public Hearings.

A. Purposes. The purposes of this section are:

1. **To describe rules of conduct, order of proceedings, and action required for legislative and quasi-judicial hearings; and**

2. **To provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.**

B. Applicability. The provisions of this section shall apply to all proceedings on land use applications requiring public hearings under the procedures of this subchapter.

C. Responsibilities of the Director for Public Hearings. For all land use applications requiring public hearings, the Director shall:

1. **Schedule the land use application for review and public hearing before the appropriate review authority as required by Table 17.76.020-1;**

2. **Provide public notice of the public hearing or appeal hearing as required by this code;**

3. **Prepare and make available to the public a staff report summarizing the proposal, the relevant criteria and issues, and any comments received prior to the public hearing;**

4. **Mail notice of the decision to those entitled to such notice as specified for the particular application procedure type;**

5. **Maintain a record of the proceedings; and**

6. **Prepare minutes of the proceedings, including the decision on the matter heard.**

D. Provision of Public Notice. Notice of public hearings shall be provided for applications or appeals as specified in the applicable section of this chapter, based on the procedure type.

E. Compliance with Notice Requirements. Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to

receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was given.

F. Rules of Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the applicable review authority, if any, and with applicable state law.

G. Procedural Rights. Subject to the specific standards and limitations set forth in this code, the following procedural rights shall be provided at the public hearing:

1. A reasonable opportunity for those persons participating in the decision to present and rebut evidence; and

2. An impartial review authority.

H. Review Authority Disclosures. Prior to the beginning of a public hearing, the Review Authority members shall disclose any ex parte contacts, biases or conflicts of interest.

1. Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts regarding the application as early as reasonably possible during the public hearing on the application, so that persons wishing to participate in the hearing have an opportunity to respond. The member shall state whether the contact has impaired his/her impartiality or ability to vote on the matter and shall participate or abstain accordingly.

2. A member of the Review Authority shall not participate in any proceeding or action in which member has an actual conflict of interest as defined in state law. Any actual or potential conflicts of interest shall be disclosed at the meeting of the Review Authority where the action is being taken.

3. A review authority member may be disqualified due to actual conflicts of interest or actual bias based on a motion if a majority of the review authority members present and voting approve such a motion. The member who is the subject of the motion may not vote.

I. Presentations.

1. The Review Authority may set reasonable time limits for oral presentations. The Review Authority may choose not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral testimony.

2. No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for receipt of such testimony and provides an opportunity for review and rebuttal prior to making a decision.

3. Counsel for the Review Authority may be consulted on legal or procedural issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.

4. Staff may confer with the Review Authority after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.

5. The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be removed from the hearing.

J. Continuance of Public Hearing. Public hearings may be continued in accordance with the rules of procedure adopted by the applicable Review Authority, if any, and with applicable state law.

K. Evidence and Argument. Evidence and argument shall be received and reviewed in accordance with the rules of procedure adopted by the applicable Review Authority and with applicable state law.

L. Burden of Proof. The applicant shall bear the burden of proof that the proposal complies with all applicable approval criteria and development standards.

M. Action by Review Authority Following Public Hearing.

1. An action of the Review Authority on a land use application or appeal may be to:
   a. Approve the application as submitted or uphold the appeal;
   b. Approve the application with conditions or uphold the appeal with conditions;
   c. Approve the application with modified conditions or approve the appeal with modified conditions; or
   d. Deny the application or the appeal.

2. Findings in support of any decision shall be made in accordance with the Review Authority's adopted rules of procedure and with applicable state law.

N. Record.

1. **Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes accurately citing the statements of the participants shall be taken. Such minutes may substitute for a verbatim record in the event of mechanical failure or inadvertent error.**

2. **An interested party may request a verbatim transcript of the recorded proceedings before the review authority on the matter. Requests for transcripts shall be accompanied by a deposit separate from the appeal fee, as specified in the adopted fee schedule. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit or additional amount due shall be refunded to or payable by the interested party.**

17.76.170 Public Hearings on Cases Remanded from LUBA.

A. The procedures in this section shall be used for hearings involving cases either voluntarily or involuntarily remanded from the Land Use Board of Appeals (LUBA).

B. Upon receipt of the remand opinion, the director shall present the opinion directly to the City Council. The director shall inform the City Council of the nature of the remand, and the City Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:

1. **Send the matter to a lower review authority; or**
2. **Set a date to decide the matter without re-opening the public hearing on the case; or**
3. **Set a hearing date and re-open the public hearing for consideration.**

C. When considering a remand, the Review Authority may consider the case in whole or in part.

D. Procedures for public notice and order of proceedings for remands shall comply with LCMC 17.76.160. In cases where a public hearing is held, required notices shall be mailed a minimum of 20 days in advance of any public hearing on the remand.

17.76.180 Appeals.

A. In General. Appeals of director decisions are heard by the Planning Commission. Appeals of Planning Commission decisions are heard by City Council. There is no local appeal of City Council decisions. The City Council decision is the final local decision.

B. Notice of Appeal. Where the appeal authority is the city, Notices of Appeal shall be filed with the department within 12 days of the mailing date of the written notice of the decision. Appeals must be received in the department no later than 5:00 p.m. of the 12th day of the mailing date of the written notice of the decision. At a minimum, the Notice of Appeal shall include the following items:

1. **Identification of the decision being appealed, including the case file number, the Review Authority which made the decision, and the date of the Decision;**

2. **Documentation that the appellant was a party to the initial proceedings;**

3. **A detailed statement on the basis of the appeal, including which approval criteria, development standards, or conditions of approval were allegedly improperly evaluated or applied to the decision; and**

4. **Payment of the appropriate fee, as adopted by City Council resolution.**

C. Failure to File Notice of Appeal. Failure to file a notice of appeal that fully complies with subsection B above, by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

D. Request for Transcript. Pursuant to Subsection 17.76.160.N.2, the appellant or any interested party may request a verbatim transcript of the recorded proceedings before review authority on the matter.

E. General Procedures Applicable to All Appeals.

1. **Public Hearing Required for Appeals. Appeal hearings before the appropriate review body as specified in subsection 17.76.180.A shall be conducted in accordance with the public hearing provisions in applicable state law and in LCMC 17.76.160.**

2. **Notice of Public Hearing on Appeal. Notices of appeal hearings shall be sent in accordance with the notification requirements in subsection 17.76.050.E.**

3. **Staff Report. At least 7 days before the date of the appeal hearing, the director shall prepare and make available to the public a copy of the staff report regarding the appeal. A copy of the staff report and recommendation shall be provided to the appeal body, the applicant, and to the appellant. Copies of the staff report shall also be provided at reasonable cost to the public upon request to the department.**

4. **Action of Appeal Body. At the conclusion of the hearing on the appeal, the appeal body shall take one of the following actions:**

a. Reverse or affirm the decision under appeal at the conclusion of the initial appeal hearing, with or without conditions or changes; or
b. Continue the appeal hearing to a date, time, and location certain, which shall be announced by the presiding officer. Notice of the date, time, and location certain of the continued hearing is not required to be mailed or published;
c. Continue the appeal hearing without announcing a date, time and location certain, in which case notice of the continued hearing shall be provided as was the notice for the initial hearing;
d. Provisions for continuing an appeal hearing or holding the record open as set forth in Subsection 17.76.160.J shall apply under this Code in a manner consistent with state law.

5. **Written Decision of Appeal Body. After the public record on the appeal closes, a written decision regarding the appeal shall be prepared. The written decision shall contain the following:**
a. A statement of the facts relied upon by the appeal body, which demonstrate the reasons why the decision under appeal is reversed or affirmed based on the applicable criteria and/or standards;
b. A statement of conclusions based on the findings; and
c. An explanation of the basis for any changes in the earlier decision:
i. Denial reversed to approval; with or without conditions;
ii. Approval changed to denial; or
iii. Additions, deletions or revisions to conditions of approval.

6. **Mailing Notice of the Decision. Following the adoption of a decision by the appeal authority, the department shall mail the signed and dated decision to the appellant, the applicant, and any other persons who appeared orally or in writing in the record of the appeal.**

F. Withdrawal of an Appeal.

1. **At any time before the close of an appeal hearing held by any Review Authority, any appellant may withdraw the appeal. Withdrawal of the appeal is subject to the following:**
a. If requested before the hearing, the withdrawal must be submitted in writing;
b. Any unexpended portion of the appeal fee will be refunded only if the withdrawal is received before the public notice of the hearing has been sent; and
c. Where multiple people or parties sign and file a single Notice of Appeal, all the parties must consent to the withdrawal of the appeal.

2. **A withdrawn appeal cannot be re-filed by any party.**

3. **If all appeals in a matter are withdrawn, no decision by the Review Authority is necessary.**

4. **If all appeals are withdrawn, the department shall issue a Notice of Appeal Withdrawal to the applicant, the appellant, and the parties listed in Subsection 17.76.050.F. The Notice of Appeal Withdrawal shall specify the new effective date of the original decision to be the date of the withdrawal of the appeal(s).**

SECTION 2. Chapter 17.77 *(Applications)* is hereby added to the Title, as follows:

Chapter 17.77 Applications

17.77.010 Adjustment.
17.77.020 Annexation.
17.77.030 Appeal.
17.77.040 Bed and Breakfast Accommodations Application.
17.77.050 Comprehensive Plan Map Amendment.
17.77.060 Conditional Use Permit.
17.77.070 Development Review.
17.77.080 Director's Interpretation.
17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review.
17.77.100 Home Occupation Application.
17.77.110 Modification of Approved applications, plans, or conditions of approval.
17.77.115 Nonconforming – Determination That Nonconforming Use, Site, or Structure is Lawful.
17.77.120 Planned Development.
17.77.130 Text Amendment.
17.77.140 Variance.
17.77.150 Zone Change.

17.77.010 Adjustment.

A. Procedure.

1. **Requests for adjustments are only applicable to adjustments from the standards of Chapter 17.74 LCMC and must be concurrent with the development review application submittal. Adjustments may not be requested for any other portion of the code other than the items noted in Chapter 17.74 LCMC as being eligible for adjustment.**

2. **Adjustment requests are processed concurrently with the development review application using the same procedure type as the development review application.**

B. Submittal Requirements. In addition to the submittal requirements of the primary application, requests for adjustments shall include a narrative clearly identifying each applicable standard from which an adjustment is requested, citing the reasons for the request, and addressing compliance with the approval criteria in subsection C below.

C. Approval Criteria. To approve an adjustment, the review authority shall make additional findings of fact, based on evidence provided by the applicant, that all of the following criteria are satisfied:

1. **The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted can be better met through the proposed alternative design solution; or**

2. **Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the design must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted.**

D. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of the primary application to ensure compliance with the adjustment approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180 for the primary application.

F. Expiration of a Decision. Refer to LCMC 17.76.140 for the primary application.

G. Extension of a Decision. Refer to LCMC 17.76.150 for the primary application.

17.77.020 Annexation.

A. Purpose. The annexation application process is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over properties within the Urban Growth Boundary from Lincoln County to the City of Lincoln City. The process is intended to comply with the requirements of ORS 222 and ORS 268.

B. Procedure. An annexation application is subject to a Type IV procedure.

C. Submittal Requirements.

1. An annexation application on the application form prescribed by the department must be completed and submitted and must contain the signatures of every current property owner of record.

D. Zone Change Process Concurrent with Annexation Application. A request for zone change from the county zone to an applicable city zone must be submitted with the annexation application on the zone change form prescribed by the department.

E. Approval Criteria. The City may or may not approve an annexation application at its discretion based upon the following:

1. The subject site must be contiguous to city limits.

2. The subject site must be within the urban growth boundary.

3. The city must be willing and able to provide services to the newly annexed area.

4. The deficit of income against expense to the city must not be unreasonable.

5. The advantages of annexing the subject site, both to the city and the subject site, must outweigh the disadvantages of annexation.

F. Conditions of Approval. Approval of an annexation application cannot be conditioned by the city.

G. Appeal of a Decision. The final decision on an annexation application may be appealed to the Land Use Board of Appeals.

H. Expiration of a Decision. The final decision on an annexation application is not subject to expiration.

I. Extension of a Decision. The final decision on an annexation is not subject to extension.

17.77.030 Appeal.

A. Procedure. Appeals are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements:

1. **Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.**

17.77.040 Bed and Breakfast Accommodations Application.

A. Purpose. The purpose of a bed and breakfast accommodations application is to allow owners of dwellings to use their dwelling as a bed and breakfast accommodation, while establishing criteria and standards to ensure that bed and breakfast accommodations are subordinate to the residential use, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Bed and breakfast accommodation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

D. Approval Criteria. To approve a bed and breakfast accommodation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. **The zoning of the subject property lists a bed and breakfast accommodation as an allowed use;**

2. **The proposal complies with the standards for bed and breakfast accommodations in LCMC 17.80.060.**

E. Conditions of Approval. The review authority may impose conditions on approval of a bed and breakfast accommodation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a bed and breakfast accommodation application is site-specific to the property and the original applicant. If an applicant moves, the bed and breakfast accommodation application approval becomes invalid unless a new bed and breakfast accommodation application is approved for the subsequent occupant of the property.

17.77.050 Comprehensive Plan Map Amendment.

A. Purpose. A Comprehensive Plan Map Amendment application provides a process to consider a proposed amendment to the Comprehensive Plan Map.

B. Procedure. A Comprehensive Plan Map Amendment application is reviewed using either the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. To approve a Comprehensive Plan Map Amendment, the Review Authority shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and with the statewide planning goals.

E. Conditions of Approval. Approval of a Comprehensive Plan Map Amendment application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. An approved Comprehensive Plan Map Amendment does not expire.

H. Extension of a Decision. An approved Comprehensive Plan Map Amendment is not subject to extension.

17.77.060 Conditional Use Permit.

A. Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

B. Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC 17.76.050.

C. Submittal Requirements.

1. Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

2. At a minimum, an application for a conditional use shall include the following:

a. An application form signed by the applicant and every current property owner of record as shown on the most-current recorded deed;

b. Full payment of the application fee, based on the fee schedule in effect on the date of submittal;
c. Existing Conditions Plan;
d. Site Plan;
e. Landscape Plan;
f. Building Elevations (for new construction);
g. Phasing Plan (if phasing is proposed);
h. Traffic Impact Study pursuant to LCMC 17.52.300; and
i. Narrative addressing compliance with each approval criterion and applicable standard.

D. Approval Criteria. In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;

5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.

E. Conditions of Approval. Pursuant to LCMC 17.76.120, the Planning Commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. **Increasing required lot size, setbacks, common open spaces, or screening and buffering areas;**

2. **Requiring fences, screening walls, landscaping, or screening/buffering where necessary to reduce noise and glare from the use, and maintain the property in a character in keeping with the surrounding area;**

3. **Requiring landscaping and maintenance thereof;**

4. **Increasing street widths and/or controlling the location and number of vehicular access points to the property for ingress/egress;**

5. **Requiring means of pedestrian/bicycle pathways to serve the property;**

6. **Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking area;**

7. **Limiting size, location, and number of signs;**

8. **Limiting the location, coverage, or height of buildings because of obstruction to view and reduction of light and air to adjacent properties;**

9. **Limiting or prohibiting openings in sides of buildings or structures;**

10. **Enclosure of outdoor storage areas and limitation of outside displays and/or storage of merchandise;**

11. **Requiring maintenance of grounds;**

12. **Regulation of noise, vibration, odors, etc.;**

13. **Regulation of time for certain activities;**

14. **Establishing a time period within which the proposed use shall be developed;**

15. **The requirement of a bond for removal of such use within a specified period of time;**

16. **Increase the size, type, or capacity of any or all utility services, facilities, or appurtenances;**

17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the review authority and new conditions imposed;

18. Requirements for providing the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers, or other necessary and essential public improvements to city standards; and/or

19. Any such other conditions that will make possible the development of the city in an orderly and efficient manner and inconformity with the intent and purposes set forth in this title and the comprehensive plan.

F. Appeal of a Conditional Use Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Use permit to run with the land. A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

17.77.070 Development Review.

A. The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit applications are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that the arrangement of all buildings, structures, access points, parking and loading facilities, landscaping, exterior lighting, stormwater facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.

1. Development review does not replace, or excuse applicants, property owners, or developers from obtaining, any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to sign, tree removal, structural, demolition, grading and erosion control, conditional use, planned development, and/or land division permits.

B. Applicability. Except as exempted below in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD, and OPD zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone.

C. Exemptions. The activities, development and construction projects listed below are exempt from development review:

1. Detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes;

2. Routine repairs and maintenance;

3. Interior remodeling of an existing building or structure (also called tenant improvements) or building alterations required to meet ADA or Oregon Residential Specialty Code or Oregon Structural Specialty Code requirements as applicable;

4. Temporary structures associated with temporary uses;

5. Accessory structures that don't require a structural permit;

6. Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, stormwater quality facilities, water lines, electrical power or gas distribution lines, or telephone or television cable systems;

7. Type I applications;

8. Exterior remodeling of a structure where no portion of the remodeled area is visible to public right-of-way; or

9. Development meeting all of the following criteria:
a. The development proposes no new structures that require a structural permit; and
b. The development involves either no expansion of an existing structure or expansion of an existing structure by 800 square feet or less; and 800 square feet or less in total; and
c. The development does not change existing on-site traffic circulation patterns; and

d. The development adds less than three additional parking spaces.

D. Procedure. Development review applications are subject to the Type II procedure as described in LCMC 17.76.040, unless any of the following circumstances apply:

1. The applicant chooses to submit as a Type III procedure; or

2. A Type III application is necessary to approve one or more of the uses proposed in the development, in which case the development review application shall be processed concurrently with the Type III application as a Type III procedure.

E. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

F. Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.

G. Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.

H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.

I. Appeal of a Decision. Refer to LCMC 17.76.180.

J. Expiration of a Decision. Refer to LCMC 17.76.140.

K. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.080 Director's Interpretation.

A. Purpose. The purpose of the director's interpretation application is to provide a process to clarify terms or phrases within this title which may require further interpretation. The director's interpretation (DI) application also provides a means to assign new or noncategorized uses to permitted, accessory, or conditional uses in a zone. Interpretations of code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed

to an evaluation of a use or development. A DI application may be submitted in advance of, or concurrent with, an application, permit, or other action.

B. Director's Authority to Initiate an Interpretation. The director may initiate a director's interpretation on behalf of the city, either specific or not specific to a particular property or circumstance. The director may also initiate an interpretation when there is a reasonable dispute or lack of clarity regarding permitted uses on a property. If initiated by the director, the director's interpretation shall be processed as either a Type I or Type II application under the requirements of this section, and shall include the materials specified in subsection E with the exceptions of an application form and payment.

C. Director's Authority to Decline an Application.

1. The director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued.

2. The director may issue or decline to issue a requested interpretation. The director's decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.

D. Procedures. A director's interpretation not specific to a particular property or circumstance, is subject to the Type I procedure, as described under LCMC 17.76.030. A director's interpretation for a particular property is subject to the Type II procedure, as described in LCMC 17.76.040.

E. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030. Type II application submittal requirements are set forth in LCMC 17.76.040. More specific submittal requirements are provided on application forms and checklists as authorized in Section 17.76.110.

F. Standards for Assignment of a Use. The assignment of a use to a particular zone, either as permitted or conditional, by the director shall be based on findings that the proposed use:

1. Shares common characteristics with other permitted or conditional uses in the zone;

2. Has intensity, density and off-site impacts similar to other permitted or conditional uses in the zone; and

3. Has impacts on public facilities, including streets; sewer, water and stormwater systems; schools; and police and fire services similar to other permitted or conditional uses in the zone.

G. Standards for Interpretation. An interpretation of terms, intent, or meaning shall be as consistent as possible with the standards listed below. Not all of the standards need to be met for an interpretation to be issued.

1. The proposed interpretation is consistent with the common meaning of the words or phrases at issue.

2. The proposed interpretation is consistent with relevant policy direction from official city documents such as the Comprehensive Plan and its supporting documents.

3. The proposed interpretation is consistent with the interpretation of other portions of this title.

4. The proposed interpretation is consistent with regional, state, and federal laws and court rulings that affect the words or phrases at issue.

H. Limitations on Director's Interpretation.

1. The director may interpret provisions of this title, but shall not issue any legal opinion or interpretation of case law.

2. A director's interpretation does not establish precedent, and does not bind any review authority in current or future decisions regarding the subject property or application or similar properties or applications.

3. A director's interpretation does not run with the land unless the development is substantially consistent with the description in the director's interpretation.

I. Expiration of a Decision. A director's interpretation does not expire unless superseded by a subsequent director's interpretation, comprehensive plan amendment, or ordinance amendment.

J. Appeal of a Decision. Refer to LCMC 17.76.180.

17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review.

A. Procedure. Geologic hazard report, beach protective structure review, and natural resources development review are subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110, as well as Chapter 17.46 and Chapter 17.47 LCMC.

C. Approval Criteria.

1. See Chapter 17.47 LCMC for approval criteria for geologic hazard report and beach protective structure review.

2. See LCMC 17.46.050 for approval criteria for natural resources development review.

D. Conditions of Approval. The review authority may impose conditions of approval to ensure compliance with the approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Refer to LCMC 17.76.140.

G. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.100. Home Occupation Application.

A. Purpose. The purpose of a home occupation application is to allow residents an opportunity to use their dwelling unit to conduct small-scale business activities, while establishing criteria and standards to ensure that home occupations are subordinate to the residential use of the dwelling unit, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Home occupation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application

forms and checklists as authorized in LCMC 17.76.110. At a minimum, a home occupation application shall include the following:

1. An application form signed by every current property owner as listed on the most-current recorded deed;

2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal; and

3. A floor plan of the dwelling unit to be used for the home occupation with the areas to be used for the home occupation clearly indicated.

D. Approval Criteria. To approve a home occupation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. The zoning of the subject property lists a home occupation as an allowed use;

2. The proposal complies with the standards for home occupations in LCMC 17.52.010.E and the definition for home occupations in LCMC 17.08.010.

E. Conditions of Approval. The review authority may impose conditions on approval of a home occupation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a home occupation application is site-specific to the property and the original applicant. If an applicant moves, the home occupation application approval becomes invalid unless a new home occupation application is approved for the subsequent occupant of the property.

17.77.110 Modification of Approved applications, plans, or conditions of approval.

A. Purposes. The modification process allows approved applications, plans, or conditions of approval to be modified under an appropriate review process without initiating repetition of the original application.

B. Applicability. The following applications, approved through the provisions of this code, may be modified pursuant to this section:

1. **Development Review;**

2. **Conditional Use;**

3. **Planned Development.**

C. Procedure for Modifications. Modification applications are subject to the Type II procedure as described in LCMC 17.76.040 or the Type III procedure as described in LCMC 17.76.050, based upon the procedure type of the original application.

D. Submittal Requirements. Type II and Type III application submittal requirements are set forth in LCMC 17.76.040 and 17.76.050, respectively.

E. Scope of Review. The scope of review for a modification shall be limited to the modification request.

F. Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. **The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site; and**

2. **New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.**

3. **The criteria in paragraphs 1 and 2 above shall be applied only to the area and/or lots within the development that are affected by the proposed modification.**

4. **The proposed modification shall demonstrate compliance with the approval criteria of the original application.**

G. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a modification application to ensure compliance with the original approval criteria.

H. Appeal of a Decision. Refer to LCMC 17.76.180.

I. Expiration of a Decision. Refer to LCMC 17.76.140.

J. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.115 Nonconforming – Determination That Nonconforming Use, Site, or Structure is Lawful.

A. Procedure for Determination that a nonconforming situation is lawful. Determination that a nonconforming use, site, or structure is lawful is subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040.

C. Approval Criteria. To determine that a nonconforming use, site, or structure is lawful, the review authority shall make findings of fact, based on evidence provided, showing that:

1. The nonconforming situation was permitted by the standards and regulations in existence at the time established; and

2. The nonconforming situation continued without discontinuance or abandonment as provided under Chapter 17.64 LCMC.

D. Conditions of Approval. Determinations of nonconforming situations are not conditioned.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of the Decision. The decision for determination of a nonconforming situation does not expire.

G. Extension of a Decision. The decision for determination of a nonconforming situation is not subject to extension.

17.77.120 Planned Development

A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned development approach is intended to provide more desirable environments by

encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned development approach may allow certain commercial uses subject to the specific limitations of this section.

B. Allowable Density. The allowable residential density in a planned development that meets only the minimum planned development standards is the "maximum base residential density" and shall be determined in the following manner:

1. **Determine the gross square footage of the project site.**

2. **Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."**

3. **Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."**

4. **Multiply the final gross residential area by 0.83. The result is the "final net residential area."**

5. **Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.**

C. Residential Density Bonuses.

1. **Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.**

2. **Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, and in the R-1-10 zone is 4.36 units per acre.**

3. If an applicant requests one or more density bonuses the review authority shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the review authority determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.

4. Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.

a. Floodplain.

i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.

ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)

b. Steep Slopes.

i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.

ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)

c. Protected Species Habitat.

i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat

or portions of the site within an appropriate buffer around the critical habitat.

ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)

d. Public Transit.

i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.

ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project boundaries so that public transit shelters may be added in the future. (0.01 point.)

e. Accessible Design.

i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.

ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)

f. Energy Efficiency.

i. Requirement. None.

ii. Density Bonus Standard. (0.02 point).

(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance

path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and

(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).

The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess) energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.

g. Outdoor Water Conservation.

i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.

ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)

h. Indoor Water Conservation.

i. Requirement. None.

ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):

(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.

(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:

(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.

(2) The average flow rate for all shower heads must be no more than 2.0 gpm.

(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.

i. Tree Preservation.

i. Requirement. Comply with the requirements of LCMC 17.52.220.

ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent, drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.

D. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:

1. At least five percent of the total number of dwelling units in the project must be affordable units.

3. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust

or other organization approved by the planning and community development director for development by that entity as affordable housing.

E. Large-Scale, Mixed Use Planned Developments. This subsection sets forth special provisions for large-scale, mixed use planned developments that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.

1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed planned development that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross planned development site area as open space.

2. Limited Recreational Commercial Uses Permitted.

a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use planned developments located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:

i. Motels, hotels, and resorts;
ii. Cabins and yurts used for overnight accommodations;
iii. Eating or drinking establishments without drive-up service facilities;
iv. Retail sales, exclusive of drive-up service facilities;
v. Day spas;
vi. Child day care facilities;
vii. Religious institutions and houses of worship;
viii. Convention centers and meeting facilities;
ix. Time-share units;
x. Bed and breakfast accommodations;
xi. Public use or public utility;
xii. Utility substation;
xiii. Outdoor commercial amusement establishments;
xiv. Essential emergency communications and warning facilities;
xv. Emergency shelters;
xvi. Mixed use incorporating one or more of the uses listed here.

b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use planned developments located in residential or commercial zones:

i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;

ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;
iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and
iv. Recreational commercial uses are subject to the design standards of Chapter 17.74 LCMC.

3. Applications for large-scale, mixed use planned developments shall meet the requirements of OAR 660-012-0060, and be subject to the following:

a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).

b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.

c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.

F. Preliminary Master Plan Application. The preliminary master plan, which must include a drawing showing the layout of the proposed planned development, must contain the following information:

1. **Proposed name of the planned development;**

2. **Date, north point and scale of drawing;**

3. **Appropriate identification clearly stating that the drawing is a preliminary planned development master plan;**

4. **Location of the planned development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned development tract; and the tract designation or other description according to the real estate records of the county assessor;**

5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;

6. The following:
    a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;
    b. Contour lines having the following minimum intervals:
        i. Two-foot contour intervals for ground slopes less than 10 percent; and
        ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;
    c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);
    d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;
    e. Proposed streets, including location, widths and approximate radii or curves;
    f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;
    g. The types of housing proposed within the planned development, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;
    h. Sites, if any, allocated for:
        i. Places of worship;
        ii. Public or private Parks, schools, and playgrounds;
        iii. Public buildings;
        iv. Open space;
        v. Commercial uses, specifying the type of each.
    i. Area coverage of existing and proposed structures, lots, streets or other development.

G. Supplemental Preliminary Master Plan Information. The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

1. **Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;**

2. **Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;**

3. **Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system;**

4. **A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions;**

5. **A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards;**

6. **Proposed number of residential units;**

7. **An approximate tabulation of all dwelling units by type;**

8. **A narrative description of the planned development and the manner in which it meets the purpose set out in subsection (A) of this section;**

9. **A statement describing the present and proposed ownership;**

10. **A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped;**

11. **A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;**

12. **A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant**

anticipates that the development and related improvements or each phase thereof will be substantially completed.

13. A tree maintenance and protection plan, which shall contain the following information:

a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:

i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;

ii. The location of the individual trees, with a diameter of six inches or more, on the site, and indicating species, approximate height, d.b.h., canopy spread and common name;

iii. The location of unique trees or stands of trees; and

iv. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.

b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the director, and clearly indicating the information required by this subsection.

c. Tree Protection. Unless specifically exempted by the director, a statement describing how trees intended to remain will be protected during tree removal and construction and how remaining trees will be maintained.

d. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and cost. In lieu of replacing trees, the applicant may propose to pay into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection.

e. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.

f. Waiver of Documentation. The director may waive an application document where the required information has already been made available to the city, or where the director determines the information is not necessary to review the application.

H. Consideration of Preliminary Master Plan. Preliminary master plans shall be processed as a Type III procedure as set forth in LCMC 17.76.050. The planning commission's consideration of the preliminary master plan shall be subject to the following:

1. The planning commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The planning commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria:

a. The proposed planned development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned development.

b. Construction of the planned development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:

i. Requirements that removal of existing landscaping during construction be limited to areas of the planned development to be constructed shortly following removal and to portions of those areas on which construction will occur;

ii. Prohibitions of open burning on the site during construction;

iii. Prohibitions or limitations on construction track-out;

iv. Restrictions on construction noise; and

v. Restrictions on construction traffic.

c. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the review authority may require the filing of restrictions in the county deed records including but not limited to restrictions:

i. Prohibiting the removal of specified landscaping; and

ii. Prohibiting open burning during construction.

d. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.

e. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.

f. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.

I. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as-yet unbuilt portions of the development, then a complete new application must be submitted prior to development of the undeveloped portions. This complete new application shall be treated as an original application for the undeveloped portions of the site and shall be subject to all of the procedures and requirements in place at the time of submittal.

J. Submission of Tentative Subdivision Plan. If an approved preliminary planned development master plan provides for the subdivision of land within the planned development, then within such period or periods of time as required by the preliminary planned development master plan approval, an applicant shall file a tentative subdivision plan for the planned development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.

K. Consideration of Final Master Plan.

1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted following the Type I procedure as set forth in LCMC 17.76.030. The final master plan may be submitted in development phases; provided, that:

a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the planned development is located; or

b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned development not yet proposed for development, and shall be sufficient to assure that:

i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;

ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and

iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.

2. The final master plan must be in sufficient detail to allow the review authority to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:
   a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;
   b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:
      i. Central line profiles showing finished grades of all streets;
      ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;
      iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;
      iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned development.

3. The review authority shall approve the final master plan if the final master plan meets all of the following criteria:
   a. The plan is consistent with the preliminary master plan and all conditions applicable to it; and
   b. All utility systems conform to city standards or are otherwise approved by the city engineer and landscaping conforms to city standards.

L. Requirements Following Final Master Plan Approval.

1. A certified print of the approved final planned development master plan shall be provided by the applicant without charge to the office of the city recorder.
2. Proposals to make changes in the final master plan after it has been approved shall be considered the same as a new planned development application.

3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:
   a. Do not increase densities;
   b. Do not change boundaries;
   c. Do not change any use, specific or general, described in the final master plan; and
   d. Do not change the location or amount of land devoted to specific land uses.

4. A final planned development plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time for no more than one year may be granted, for good cause, through a Type III procedure. No additional extensions may be granted. If a final planned development plat is not filed, approved, and recorded as required by this section, then the planned development approval shall become void as of the date the filing requirement no longer can be met.

5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain any required permits.

17.77.130 Text Amendment.

A. Purpose. The text amendment process shall be used for legislative amendments to this title, Title 16, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

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

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

2. The text amendment is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules, and State statutes.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

17.77.140 Variance.

A. Procedure. Variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

C. Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the property owner has no control;

2. The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;

3. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;

4. The variance requested is the minimum variance which would alleviate the hardship.

D. Appeal of a Decision. Refer to LCMC 17.76.180.

E. Expiration of a Decision. Refer to LCMC 17.76.140.

F. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.150 Zone Change.

A. Purpose. Zone change applications provide a process for consideration of quasi-judicial or legislative amendments to the zoning map to implement property designations on the comprehensive plan map or to apply new zones reflecting changing community conditions, needs, and desires.

B. Procedure. Zone change applications are reviewed through the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. To approve a zone change, the City Council shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and statewide planning goals.

E. Conditions of approval. Approval of a zone change application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Zone changes are not subject to expiration.

H. Extension of a Decision. Zone changes are not subject to extension.

SECTION 3. Chapter 17.12 *(Zoning Districts Established),* Section 17.12.010 *(Classification of Zones), Paragraph A.*, is hereby amended to read as follows:

17.12.010 Classification of zones

A. For the purpose of this title, the following zones are hereby established in the city.

Zone Description	Abbreviated Description
Residential, Single-family	R-1
Residential, Roads End	R-1-RE
Vacation Rental	VR
Recreation-Residential	R-R
Residential, ~~**Multifamily**~~ **Multiple unit dwelling**	R-M
Professional Campus	PC
Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP
Oceanlake Plan District	OP
Taft Village Core	TVC
Planned Industrial	PI
Marine-Waterway	M-W
Natural Resource Overlay	NR
Park	P
Open Space	OS

SECTION 4. Chapter 17.12 *(Zoning Districts Established),* Section 17.12.030 *(Boundaries of Zones)* is hereby amended to read as follows:

17.12.030 Boundaries of zones

If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies**.~~; provided, that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.~~**

SECTION 5. Chapter 17.12 *(Zoning Districts Established),* Section 17.12.050 *(Zoning of annexed areas)* is hereby amended to read as follows:

17.12.050 Zoning of annexed areas.

When requesting annexation of an area, a request for a city zoning designation shall be made and shall be processed concurrently with the annexation application. ~~Areas annexed to the city will be classified with the underlying county zoning designation until rezoned by the city.~~

SECTION 6. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.010 *(Accessory uses – General Provisions.), Paragraph C,* is hereby amended to read as follows:

17.52.010 Accessory uses – General provisions.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall comply with the following limitations:

C. A guest house may be maintained accessory to a dwelling, provided there are no **portable, temporary, or permanent** cooking facilities in the guest house.

SECTION 7. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.020 *(Authorization of similar uses),* is hereby deleted to read as follows:

~~17.52.020 Authorization of similar uses.~~

~~In response to an application in relation to a specific lot, the planning commission may rule by resolution that a use not specifically named in the allowed uses of a zoning district and not specified in any other zoning district shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. Such ruling by resolution of the planning commission shall thereafter be presented to the city council for legislative enactment to amend this title to include such use. In addition, the ruling shall be entered in a registry available to the public that sets out the street address or other easily understood geographic reference to the lot, the date of the ruling, and a description of the ruling.~~

SECTION 8. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.050 *(Storage in Front yard),* is hereby amended to read as follows:

17.52.050 Storage in front setback area. ~~yard~~.

Boats**, RVs, ~~and~~** trailers and house trailers shall not be stored in a required front **setback area ~~yard~~**.

SECTION 9. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.080 *(Maintenance of minimum requirements),* is hereby amended to read as follows:

17.52.080 Maintenance of minimum requirements.

No lot area, **minimum setback area, ~~yards, other~~** open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

SECTION 10. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.090 *(Dual use of required open space),* is hereby deleted to read as follows:

~~17.52.090 Dual use of required open space.~~
~~No lot area, yard or other open space or off-street parking or loading area which is required by this title for one use shall be utilized to satisfy requirements for lot area, yard or other open space or off-street parking or loading area for another use, except as provided in Chapter 17.56 LCMC~~

SECTION 11. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.120 (*Utilities*), *Paragraph A* is hereby amended to read as follows:

17.52.120 Utilities.

A. In the single-family residential (R-1) zone, and the multiple-**unit ~~family~~** residential (R-M) zone, when city services are not available or when only partial services are available, the minimum parcel size shall be five acres; except however, any existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with a single-family dwelling utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

SECTION 12. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.160 *(Required yards),* is hereby amended to read as follows*:*

17.52.160 Required setbacks ~~yards~~ – Exceptions.

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, **awnings**, and bay windows not more than four feet wide or high may project up to 18 inches into a required **setback area. ~~yard~~**.

B. Accessory **structures. ~~Buildings~~**. A required side or rear **setback ~~yard~~** may be reduced to three feet for an accessory **structure ~~building~~**, provided the **structure ~~building~~** is detached from other **structures ~~buildings~~** by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

C. Fences. Fences, which may be located within required **setback areas** ~~**yards**~~ up to the property line, may not exceed three and one-half feet from the grade of the street centerline in the **required** front **setback area,** ~~**yard**~~, and shall not exceed six feet in other **setback areas** ~~**yards**~~ nor conflict with requirements of a clear vision area as provided in LCMC 17.52.060 or the clear vision areas of adjacent private driveways.

D. Retaining Walls. Retaining walls may be constructed in required **setback areas,** ~~**yards**~~, subject to the following limitations:

1. One or more retaining walls, none of which individually exceeds four feet in height, may be used, provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;
2. Within side and rear building setbacks that are not adjacent to a street or right-of-way, the height of a retaining wall exposed toward the interior of the property may be allowed that is up to eight feet in height. Those exposed toward the exterior of the property shall be limited as in subsection (D)(1) of this section;

E. ~~**Handicapped**~~ **Disabled** Access Facilities. ~~**Handicapped**~~ **Disabled** access facilities may be constructed in required **setback areas** ~~**yards**~~ as additions to existing buildings if exclusive of railings they do not exceed the height of the building's ground floor and do not conflict with the clear vision requirements of LCMC 17.52.060. For purposes of this section ~~**handicapped**~~ **disabled** access facilities include ramps, sidewalks, curbing and entrances constructed for the purpose of making a building accessible to a ~~**physically handicapped**~~ **disabled** person. ~~**Handicapped**~~ **Disabled** access facilities must be constructed in accordance with any applicable requirements of the building code in effect at the time of their construction. ~~**Handicapped**~~ **Disabled** access facilities constructed as additions to a nonconforming structure shall not be considered an alteration or extension of the nonconforming structure.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required **setback area.** ~~**yard**~~. Such bridges may not have a slope up from the adjacent roadway exceeding the maximum allowed for driveways.

G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required **setback area,** ~~**yard**~~, provided no part of the porch, deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit.

~~**H. Administrative Adjustment.**~~

~~**1. The planning and community development director is authorized to make a minor adjustment to the dimensional standards of the required yard for any zone, including the dimensional standards of this section, and including any county zoning standards applied in the city.**~~

~~**2. An administrative adjustment permits a minor encroachment into a required yard, not to exceed six inches or seven and one-half percent of the requirement, whichever is less, in addition to any other relief granted by the applicable code.**~~

~~3. A property owner may not initiate a request for an administrative adjustment, and the planning and community development director may not grant an administrative adjustment, in advance of the initiation of construction of the building for which it is sought; instead, an administrative adjustment may be sought or approved only after the discovery of an unintentional situation such as a surveyor's error after the start of construction.~~

~~4. An administrative adjustment is a discretionary decision that the planning and community development director may make as a director's decision, subject to appeal under LCMC 17.76.040(A). The director shall not grant such relief unless the applicant demonstrates that: (a) the relief is minor in nature; (b) the relief will correct or avoid a noncompliance; (c) all reasonable efforts to rectify the situation have been exhausted and (d) the relief will not be materially detrimental to the purposes of the zone.~~

~~5. A property owner may initiate a request for an adjustment by filing an application with the planning department with the required application fee.~~

~~6. Denial of an administrative adjustment does not preclude an application for a variance under Chapter 17.68 LCMC.~~

~~7. The director may elect to refer a request for an adjustment to the planning commission for a public hearing.~~

SECTION 13. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.190 *(Building height limitations),* is hereby amended to read as follows:

17.52.190 Building height limitations.

A. No structure used for human habitation that exceeds 45 feet in height shall be permitted in any zone unless consent is first approved by the voters of the city at a regular or special election. For the purpose of this section, "height" means the average vertical distance from the grade at the center of all walls of the building to the highest point of the roof, excluding those excepted in LCMC 17.52.200.

B. No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval **as a Type III procedure.** ~~of the planning commission at a public hearing.~~

C. No structure used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:
   1. Building permit applications must include elevations of all exterior walls of the proposed structure showing:
      a. The line of the approved grade in the plane of the wall; and
      b. The highest part of the structure.

2. The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.
3. For the purposes of this subsection, "approved grade" means:
   a. The existing grade, meaning one of the following:
      i. The ground level before any human disturbance as shown by survey or other reliable evidence; or
      ii. The ground level shown on the city's 2009 LIDAR data (which is available from the planning and community development department); or
      iii. If the proposed building site has existing structures or other disturbances to the land that existed lawfully prior to October 1, 2010, the ground level established when the structure or disturbance was created (which may be determined by any of the above means); or
      iv. If there has been grading on the proposed building site, without a grading permit, the planning and community development director, in consultation with the city engineer, will determine the existing grade.
   b. The grade shown on a grading plan approved as a part of one of the following:
      i. A final master plan for a planned unit development under LCMC **17.77.120** ~~**17.52.210**~~; or
      ii. A partition or subdivision under Chapter 16.08 LCMC; or
      iii. A ~~**site plan**~~ **development review** under LCMC **17.77.070** ~~**17.52.240**~~; or
      iv. A conditional use permit under **LCMC 17.77.060** ~~**Chapter 17.60 LCMC**~~; or
      v. A grading plan under Chapter 12.08 LCMC; or
      vi. A building permit for a structure not subject to any of approvals in subsections (C)(3)(b)(i) through (v) of this section.

3. ~~**If a lawfully established single-family or duplex dwelling that does not conform to the requirements of this section is destroyed by calamity to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction it may be rebuilt within the same footprint and to the same height, subject to compliance with the flood damage prevention requirements of Chapter 15.16 LCMC. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to this section.**~~

SECTION 14. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.230 *(Public Infrastructure improvement requirements),* is hereby amended to read as follows:

17.52.230 Public infrastructure improvement requirements.

A. Infrastructure Easement and Improvement Requirements. The issuance of a **structural** ~~**building**~~ permit for the addition, alteration, or repair, within any 12-month period, exceeding 50 percent of the assessed value ~~**or market value, whichever is greater**~~, of an existing building or structure, or for a new building or structure in connection with any

permitted or conditional use within any zone as described in this title, or of a **~~site plan~~ development review** approval for development for which **~~site plan~~ development** review is required under LCMC **17.77.070 ~~17.52.240~~**, shall be subject to the following requirements:

1. The applicant shall submit, as part of a **structural ~~building~~** permit application, a site plan drawn to scale showing the nature, size, and location of:

   a. Proposed buildings and improvements,
   b. Proposed access and off-street parking,
   c. Proposed private and public utility lines, facilities, and easements,
   d. Proposed curbs, gutters, pavement, and sidewalks, and related easements,
   e. Proposed stormwater detention, treatment, and drainage features, facilities, and easements,
   f. Existing private and public utility lines, facilities, and easements,
   g. Existing stormwater detention, treatment, and drainage features, facilities, and easements,
   h. Existing lot lines; and

2. Except as otherwise provided in subsections (B) and (C) of this section, the applicant shall agree to:

   a. Install curbs and gutters along adjacent streets not having curbs and gutters, and also pave the roadways from the curbs to 12 feet beyond centerline of unpaved or partially unpaved streets contiguous to the property proposed for development, in accordance with applicable standards of this title, street design standards in the city's transportation system plan, public works/engineering standards, and LCMC Title 16 (Subdivisions). If existing rights-of-way for streets contiguous to the property are not adequate in width to meet the standards of this title and LCMC Title 16 (Subdivisions), the applicant shall dedicate right-of-way to the city sufficient to allow streets that are adequate in width; and
   b. Dedicate to the city utility easements five feet in width along rear lot lines, or along front lot lines, as required by the city; and
   c. Dedicate easements for drainage purposes, and provide storm water detention, treatment, and drainage features and facilities, as approved by the city engineer, in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; and
   d. Install sidewalks in accordance with street design standards in the city's transportation system plan and public works/engineering standards along boundaries contiguous with streets, within existing right-of-way if adequate in width; and, if existing easements are not adequate in width, to deed easements to the city sufficient to allow sidewalks of required width;
   Exceptions: In lieu of the sidewalks required by subsection (A)(2)(d) of this section, the applicant shall agree as follows:

i. For properties in a commercial zone east of Highway 101 that abut the D River, to install sidewalks five feet in width adjacent to the river, and to deed easements to the city sufficient to allow the city to add additional width to the riverfront sidewalks so that they can be a total of 10 feet in width.

ii. ii. [Reserved]

iii. iii. [Reserved]

and

e. Install and connect to the city systems water and sewer lines and appurtenances that conform to adopted city standards; and

f. Place underground all existing electrical, telephone, and cable television utility service installations or connections between any building or structure and the utility distribution system, in accord with city standards, in addition to meeting the requirements of LCMC 17.52.120; and

g. Develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; and

h. Provide any of the following transit-related improvements, if development includes or is adjacent to existing or planned transit stops shown in the city transportation system plan or an adopted plan prepared by a transit provider, as determined by the city engineer or community development director:

i. Reasonably direct pedestrian connections between the transit stop and building entrances of the site. For the purpose of this section "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users;

ii. An easement or dedication for a passenger shelter or bench, if such an improvement is in an adopted plan; and

i. Maintain the sidewalk, landscape strip, and curb adjacent to the property to standards in LCMC Title 12, Streets, Sidewalks, and Public Places.

In lieu of a required improvement, the city manager or a designated representative may accept a deferred improvement agreement, fee-in-lieu agreement, or other cost-allocation agreement, in a form approved by the city manager or designate, for installation of curbs, gutters, sidewalks, street paving, water and sewer lines and appurtenances, and storm water detention, treatment, and drainage features and facilities, if the city manager or designate determines that a delay is appropriate prior to the commencement of construction of these improvements. The cost to the developer shall equal the cost of installation, including engineering and design, as determined by the city engineer, based on the applicable city standards in effect at the time of application. The applicant shall pay the fee or sign an alternative agreement prior to approval of the final plat or issuance of a building or development permit. Property owners who pay a "fee in lieu" of constructing a required specific improvement shall not

be responsible for any future additional costs associated with that same improvement. The city shall use all such fees for construction, repair, or maintenance of the public infrastructure improvements of the type identified above and located within the city which provide a benefit to the subject property; and

3. The city manager or a designated representative finds that the building site is not subject to natural hazards such as flooding, falling rock, landslides, or mass movement, and that the building site is capable of accommodating the proposed structure without danger to users of the site or to the citizens of the city; and

4. If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic, the applicant shall agree, if required by the city manager or a designated representative, to dedicate a street right-of-way and to construct improvements to adopted city standards as provided in subsection (A)(2)(a) of this section.

5. As to applications for ~~**site plan**~~ **development review** approval, if the site consists of more than one lot and any lot does not conform to the minimum access or lot requirements for the zone in which the lot is located, the owner shall agree that, prior to issuance of a **structural** ~~**building**~~ permit, or commencement of development if a ~~**building**~~ **structural** permit is not required, the owner will either:

   a. Provide to the city a covenant that the lots comprising the site, unless subsequently partitioned or subdivided, will be treated as a single lot for all purposes of the municipal code and this title and that the lots comprising the site will not be sold separately; or
   b. Reconfigure the lots comprising the site, in accord with the applicable legal procedures, so that all lots comprising the site will conform to the minimum lot and access requirements for the zone in which the lots are located.

B. Limitations on Infrastructure Requirements. If the applicant asserts that it cannot legally be required, as a condition of **structural** ~~**building**~~ permit or ~~**site plan**~~ **development review** approval, to provide easements or improvements at the level otherwise required by this section, then:

1. The **structural** ~~**building**~~ permit or **development** ~~**site plan**~~ review application shall include a rough proportionality report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

   a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;
   b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;

c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part;

d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system; and

2. The applicant shall, instead, be required to provide easements and improvements that are roughly proportional to what is needed for the safety or convenience of persons served by the building**, structure**, or development, plus those additional easements and improvements that are roughly proportional to what is needed to mitigate the impact of the building**, structure**, or development on the public infrastructure system of which the improvements will be a part, if the impacts are not fully mitigated by the easements and improvements needed for the safety or convenience of persons served by the building**, structure**, or development.

C. Easements and Improvements Deferred from Land Divisions. If a prior land division approval under LCMC Title 16 affecting the building**, structure**, or development site has deferred, until submission of a **structural** ~~**building**~~ permit or ~~**site plan**~~ **development** review application, the definition of the level of easements or public infrastructure improvements required to be provided in relation to the land division, based on an assertion that the level of easements or improvements required cannot be defined until actual development is proposed for the divided land, then the owner shall provide with the application a report as described in subsection (B) of this section and, as a condition of application approval, shall be required to dedicate easements and provide public infrastructure improvements required under LCMC Title 16, to the extent the easements and improvements meet the standards set out in subsection (B)(2) of this section.

D. Appeals.

1. Any person aggrieved by that person's inability to obtain a building permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal **as a Type III procedure pursuant to LCMC 17.76.050.** ~~**, which appeal must be in writing and filed pursuant to LCMC 17.76.040.**~~

2. Notwithstanding subsection (D)(1) of this section, decisions of the city manager, public works director, city engineer, or designated representative in the enforcement of deferred improvement agreements entered into under subsection (A)(2) of this section shall not be subject to appeal. ~~**under LCMC 17.76.040**~~.

E. Limitations to Issuance of Certificate of Occupancy. No certificate of occupancy shall be **approved for issuance by the director or by the city engineer** ~~**issued**~~ until the applicant has fulfilled all requirements of, and has executed the agreements required by, this section,

and shall not be **approved for issuance by the director or city engineer** ~~**issued**~~ if there is any variance from the approved **development review.** ~~**site plan**~~.

F. Applicability. This section, except for subsection (C) of this section and proceedings under this section related thereto, shall not apply to **structural** ~~**building**~~ permit applications for building on land subdivided pursuant to a final subdivision plat approved or subdivision exemption granted by the planning commission and/or city council after November 1, 1989.

SECTION 15. Chapter 17.52 *(Supplemental Regulations and Exceptions),* Section 17.52.270 *(Wireless communications facilities),* is hereby relocated to a new Section 17.80.170 to read as follows:

~~**17.52.270 Wireless communications facilities.**~~

~~**A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.**~~

~~**B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:**~~

~~**1. Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.**~~

~~**2. Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.**~~

~~**3. Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.**~~

~~**4. Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.**~~

~~**5. Siting of a new tower in a visually dominant location, not employing concealment technology.**~~

~~C. Standards. All commercial wireless communications facilities shall comply with the following requirements:~~

~~1. The maximum height shall be 80 feet.~~

~~2. Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.~~

~~3. The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.~~

~~4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the state of Oregon.~~

~~5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.~~

~~6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).~~

~~7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.~~

~~8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.~~

~~9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.~~

~~10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~

~~11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.~~

~~12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.~~

~~13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.~~

~~14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.~~

~~15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.~~

~~16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.~~

~~D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:~~

~~1. A report from a qualified and licensed professional engineer which:~~

~~a. Describes the tower height and design, including a cross section and elevation;~~

~~b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~

~~c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;~~

~~d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;~~

~~e. Includes an engineer's stamp and registration number;~~

~~f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;~~

~~g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and~~

~~h. Includes other information necessary to evaluate the request.~~

~~2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.~~

~~3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:~~

~~a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;~~

~~b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;~~

~~c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;~~

~~d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.~~

~~4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.~~

~~5. Before the issuance of a building permit, the following supplemental information shall be submitted:~~

~~a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);~~

~~b. Proof of compliance with applicable Federal Communications Commission regulations;~~

~~c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and~~

~~d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).~~

~~E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC 17.60.040, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.~~

~~F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.~~

~~G. Planning Commission Action. In addition to the findings required by Chapter 17.60 LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:~~

~~1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.~~

~~2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.~~

~~3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.~~

~~4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.~~

~~5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.~~

~~6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.~~

17.80.170 Wireless communications facilities.

Review Authority Action. In addition to the findings required by LCMC 17.77.060, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing

requirements for all new tower applicants and those existing towers that are physically capable of sharing.

B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:

1. **Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.**
2. **Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.**
3. **Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.**
4. **Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.**

5 Siting of a new tower in a visually dominant location, not employing concealment technology.

C. Standards. All commercial wireless communications facilities shall comply with the following requirements:

1. **The maximum height shall be 80 feet.**
2. **Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.**
3. **The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.**

4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the State of Oregon.

5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.

6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.

9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.

10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.

13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.

14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.

15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.

16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.

D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:

a. Describes the tower height and design, including a cross section and elevation;

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;

e. Includes an engineer's stamp and registration number;

f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;

g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and

h. Includes other information necessary to evaluate the request.

2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:

a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;

b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;

c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;

d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.

4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.

5. Before the issuance of a building permit, the following supplemental information shall be submitted:

a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);

b. Proof of compliance with applicable Federal Communications Commission regulations;

c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and

d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC 17.60.040, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.

F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.

G. Planning Commission Action. In addition to the findings required by Chapter 17.60 LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.

2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.

3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.

4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.

5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.

6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.

SECTION 16. Chapter 17.64 *(Nonconforming Situations),* Section 17.64.010 *(General Provisions), Paragraphs C and E,* are hereby amended to read as follows:

C. Determination That Nonconforming Use, Site, or Structure Is Lawful. ~~**The city may make a determination of whether a nonconforming use on a particular property is lawful, if necessary for staff review of an application. Determination will be based on evidence submitted into the record that shows whether the nonconforming situation was permitted by the standards and regulations in existence at the time established and continued without any period of discontinuance or abandonment as provided under this chapter. This determination shall be an administrative process.**~~ **The determination of whether a nonconforming structure or use on a particular property is lawful shall be a Type II procedure as set forth in 17.76.040 LCMC, with the application process outlined in LCMC 17.77.115.**

E. Restoration of a Substantially Damaged Lawful, Nonconforming Structure or Use. If damaged to an extent of 50 percent or more, as determined **through a Type I procedure,** ~~**by the city**~~, a lawful nonconforming structure or use may be restored to its former height and footprint only, as approved by the city. **A request to restore a lawful, nonconforming single-unit dwelling or duplex shall be processed as a Type II procedure, as outlined in LCMC 17.76.040. A request to restore a lawful, nonconforming multi-unit dwelling, mixed use structure, or commercial structure or use shall be processed as a Type III procedure, as outlined in LCMC 17.76.050** ~~**The planning and community development has authority to review an application to restore a lawful, nonconforming single-family dwelling or duplex use as an administrative decision. The planning commission has authority to review an application to restore a lawful, nonconforming multi-family dwelling, mixed use structure or commercial structure or use and shall conduct a public hearing on the application.**~~ A decision to approve an application to restore a nonconforming structure must include findings of all the following:

1. The damage was not intentionally caused by the property owner;

2. The restoration does not increase the degree of nonconformity or add new nonconformity, and except as specified above, restored structures conform to requirements of this code;

3. Restoration is according to plans approved by the fire marshal, building inspector and floodplain manager, and, if required, in conformance with a geo-technical report;

4. The restored structure or use does not encroach unlawfully on adjacent properties;

5. The restoration complies with reasonable conditions imposed by the city on a building permit in order to mitigate any new or increased adverse impact on adjacent property; and

6. In the case of a **multi-unit ~~family~~** dwelling, mixed-use structure, or commercial structure, the reconstructed use or structure would not interfere with the intent and purpose of the zone in which it is located.

SECTION 17. Chapter 17.64 *(Nonconforming Situations),* Section 17.64.030 *(Nonconforming uses), Paragraphs C and E,* are hereby amended to read as follow*s:*

17.64.030 Nonconforming uses.

A. Lawful Nonconforming Uses Allowed to Continue. A lawful nonconforming use of land may continue as long as it remains otherwise lawful, provided the nonconforming use does not cease for any reason for a period of more than six months. For purposes of calculating the six-month period, a use is discontinued or abandoned on the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;

2. For commercial uses, on the date the sale of merchandise or the provision of services ceases;

3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

4. On the date a request for final reading of water and power meters is made to the applicable utility.

B. Discontinuance of a Nonconforming Use. If a conforming use has replaced a nonconforming use, or if the nonconforming use of a building, structure or site ceases for a period of six months or more, as described in subsection (A) of this section, the **~~planning and community development~~** director shall deem the nonconforming use discontinued, and the building, structure or land area shall be occupied only by uses conforming to the

regulations for the zone in which it is located. If a nonconforming use has ceased, but the owner is marketing the property continually and actively for sale or lease, the **~~planning and community development~~** director may allow the lawful nonconforming status to continue for up to 18 additional months. **This is a director's interpretation, processed as set forth in LCMC 17.77.080. ~~The director's determination shall be an interpretation, subject to appeal to the planning commission. Following an evidentiary hearing, the planning commission decision will be final, unless called up by the city council under LCMC 17.76.040(B).~~**

C. Alteration of a Nonconforming Use. No building, structure, or land area devoted to or accessory to a nonconforming use may be used, moved or expanded unless the movement or expansion reduces nonconformity. Alteration of a nonconforming residential use shall not change the number of dwelling units, if the change would increase nonconformity.

D. Change of Nonconforming Use**. Through a Type III procedure as set forth in LCMC 17.76.050, a request for conversion to another nonconforming use may be approved if the review authority finds that, on the basis of the evidence submitted, the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The review authority may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations. ~~The planning commission may approve an application for conversion to another nonconforming use in accordance with the provisions of LCMC 17.76.010, if, on the basis of the application and the evidence submitted, it finds the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The commission may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations.~~**

SECTION 18. Chapter 17.60 *(Conditional Uses) is hereby deleted to read as follows:*

~~Chapter 17.60~~

~~CONDITIONAL USES~~

~~Sections:~~

~~17.60.010 Purpose.~~
~~17.60.020 Planning commission authority.~~
~~17.60.030 Application.~~
~~17.60.040 Public hearings.~~
~~17.60.050 Action by planning commission.~~

~~17.60.060 Burden of proof.~~
~~17.60.070 Entry of order.~~
~~17.60.080 Time limitation.~~
~~17.60.090 Appeal.~~
~~17.60.100 Effect.~~
~~17.60.110 Violation of conditions.~~
~~17.60.120 Limitation on new applications.~~
~~17.60.130 Notification of action.~~
~~17.60.140 Mapping.~~
~~17.60.150 Use permit to run with the land.~~
~~Prior legislation: Ords. 89-11 and 91-18.~~
~~17.60.010 Purpose.~~
~~In all zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.~~
~~17.60.020 Planning commission authority.~~
~~The planning commission shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of the ordinance codified in this title shall conform to all regulations pertaining to conditional uses.~~
~~17.60.030 Application.~~
~~The property owner or his authorized agent may make an application for a conditional use permit by filing an application, at least 45 days prior to the meeting date the matter is intended to be considered, with the department of planning and community development on a form prescribed by the city, which shall include the following information, in addition to that required in Chapter 17.76 LCMC:~~
~~A. Name and address of applicant;~~
~~B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~
~~C. Address, legal description and Lincoln County assessor's map and tax lot number of the property;~~
~~D. The application shall include an accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the conformance of the proposal with the requirements of this title and shall be prepared in a manner conforming to the requirements and procedures of site plan approval, LCMC 17.52.240;~~
~~E. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and listing of current owners within 100 feet of the property subject to the conditional use permit application, pursuant to Chapter 17.76 LCMC;~~

~~F. Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in LCMC 17.60.050(C);~~

~~G. The application shall be accompanied by a nonrefundable filing fee in the amount established by general resolution of the city council.~~

~~17.60.040 Public hearings.~~

~~Before a conditional use is permitted, the proposed conditional use shall be considered by the planning commission at a public hearing. Notice of the hearing shall be given as provided in LCMC 17.76.020.~~

~~17.60.050 Action by planning commission.~~

~~A. Within 60 days after the filing of the application, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.~~

~~B. The planning commission may approve, approve with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, which order shall describe the basis for the decision and state the specific circumstances, findings of fact and evidence presented requiring the application of conditions to the approval.~~

~~C. Findings of Fact. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:~~

~~1. The proposal is in compliance with the comprehensive plan;~~

~~2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title;~~

~~3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;~~

~~4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;~~

~~5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.~~

~~D. Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:~~

~~1. Increasing required lot size, yard dimensions, open spaces or buffer areas;~~
~~2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;~~
~~3. Requiring landscaping and maintenance thereof;~~
~~4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;~~
~~5. Requiring means of pedestrian/bicycle access pathways to serve the property;~~
~~6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;~~
~~7. Limiting size, location and number of signs;~~
~~8. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;~~
~~9. Limiting or prohibiting openings in sides of buildings or structures;~~
~~10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;~~
~~11. Requiring maintenance of grounds;~~
~~12. Regulation of noise, vibration, odors, etc.;~~
~~13. Regulation of time for certain activities;~~
~~14. Establishing a time period within which the proposed use shall be developed;~~
~~15. The requirement of a bond for removal of such use within a specified period of time;~~
~~16. Increase the size, type or capacity of any or all utility services, facilities or appurtenances;~~
~~17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed;~~
~~18. The planning commission may require that an applicant furnish the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards;~~
~~19. The planning commission may also require that site plan committee review and approval is necessary in any particular situation to accomplish the purposes and objectives of this title;~~
~~20. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.~~

~~17.60.060 Burden of proof.~~

~~The specific findings made by the planning commission in granting a conditional use permit 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 approval of the conditional use. If no evidence is produced concerning any of the findings listed in LCMC 17.60.050(C), the application may be denied based upon improper or~~

~~inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.~~

~~17.60.070 Entry of order.~~

~~Where the planning commission is of the opinion that the conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a planning commission order granting the conditional use permit, which order shall include specific findings of fact, conclusions and supportive evidence pertaining to LCMC 17.60.050(C), and any conditions of approval as authorized by LCMC 17.60.050(D). The chairman of or, in his absence, the officer presiding over the planning commission meeting in which the above described order is enacted shall forthwith sign the order and cause the same to be filed with the city recorder. Upon the filing of the order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the planning commission, based on the standards specified herein, determines that the conditional use permit should not be granted.~~

~~17.60.080 Time limitation.~~

~~A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The planning commission may extend a use permit for an additional period of one year, subject to the requirements of this title. No more than one such extension may be granted.~~

~~17.60.090 Appeal.~~

~~The applicant or any party to the proceeding may, within the time period specified in LCMC 17.76.040, after the decision of the planning commission is filed with the city recorder, appeal the same to the city council in the form prescribed by the city. The appeal procedure shall be as set forth in LCMC 17.76.040.~~

~~17.60.100 Effect.~~

~~No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this title until after the appeal period after the decision of the planning commission is filed with the city recorder. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant the conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on the permit.~~

~~17.60.110 Violation of conditions.~~

~~The planning commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of the permit after first holding a public hearing and giving notice of such hearing as provided in LCMC 17.76.030. The foregoing shall not be the exclusive remedy, and it is unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.~~

~~17.60.120 Limitation on new applications.~~

~~In a case where an application is denied by the planning commission, or denied by the city council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for a period of one year from the date of said denial unless, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.~~

~~17.60.130 Notification of action.~~

~~The city manager or his designee shall notify the applicant for a conditional use permit of the planning commission's action within the time period specified in LCMC 17.76.030 after entry of the final order. A copy of the order shall be provided to the applicant.~~

~~17.60.140 Mapping.~~

~~Within 30 days after the entry of the final order of a conditional use permit, the permit application file number shall be indicated on the official zoning map on the lot or lots affected by such permit.~~

~~17.60.150 Use permit to run with the land.~~

~~A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter.~~

SECTION 19. Chapter 17.68 *(Variances) is hereby deleted to read as follows:*

~~Chapter 17.68~~

~~VARIANCES~~

~~Sections:~~

~~17.68.010 Authorization to grant or deny variances.~~

~~17.68.020 Circumstances for granting a variance.~~

~~17.68.030 Variance procedure.~~

~~17.68.040 Time limit on variance.~~

~~17.68.010 Authorization to grant or deny variances.~~

~~The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.~~

~~17.68.020 Circumstances for granting a variance.~~

~~A variance may be granted only in the event that all the following circumstances exist:~~

~~A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape~~

~~legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;~~
~~B. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity possess;~~
~~C. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;~~
~~D. The variance requested is the minimum variance which would alleviate the hardship.~~
~~17.68.030 Variance procedure.~~
~~A. A property owner may initiate a request for a variance by filing an application with the city manager or his designated representative, using forms prescribed pursuant to LCMC 17.80.030. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangements of the proposed development. The planning commission may request other drawings or material essential to an understanding of the variance request.~~
~~B. The planning commission shall hold a public hearing before it may act on a request for a variance.~~
~~C. Within five days after a decision has been rendered with reference to a request for a variance, and the order documenting said decision has been approved by the planning commission, the city manager or his designated representative shall provide the applicant with written notice of the decision of the planning commission.~~
~~17.68.040 Time limit on variance.~~
~~Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the planning commission may in its discretion extend authorization for an additional six months on request.~~

SECTION 20. Chapter 17.76 *(Administrative Provisions)* is hereby deleted to read as follows*:*

~~**Chapter 17.76**~~

~~**ADMINISTRATIVE PROVISIONS**~~

~~**Sections:**~~
~~**17.76.010 Application information and procedures.**~~
~~**17.76.020 Public notice.**~~
~~**17.76.030 Quasi-judicial public hearing procedure and requirements.**~~
~~**17.76.040 Appeals.**~~
~~**17.76.050 Final action on application for permit or zone change request.**~~
~~**17.76.060 Filing fees.**~~
~~**17.76.010 Application information and procedures.**~~
~~**A. An application for a land use action or permit shall consist of:**~~
~~**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.~~

~~B. All documents or evidence relied on by the applicant shall be made available to the public.~~

~~C. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application. The notification shall give the applicant a deadline by which to submit missing information, after which the city will deem the application complete and proceed with its consideration. The application shall be deemed complete upon expiration of the 30-day period, if no notification of missing information is given, or, if notification of missing information is given, upon receipt of the missing information or expiration of the deadline for submitting the missing information, whichever occurs first. If the application was complete when first submitted or the applicant submits the missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the standards and criteria of the comprehensive plan and this title that were applicable at the time the application was first submitted. In all other cases, approval or denial shall be based on the standards and criteria applicable at the time of final action on the application.~~

~~D. Where a proposed development requires more than one development permit or zone change request from the city, the applicant may request that the city consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the city consolidate its review of the development proposal, all necessary public hearings before the planning commission shall be held on the same date. If the applicant's request includes a request for a comprehensive plan amendment, the applicant shall be required to waive in writing the 120-day requirement set out in LCMC 17.76.050(A) as a condition to consolidated treatment.~~

~~E. In the case of an application for a planning commission resolution, under LCMC 17.52.050, that a use is included among the allowed uses in a zoning district, if the application so requests, the department shall provide notice of the decision on the application in accord with the provisions of LCMC 17.76.020(A) and (B)(1) governing notice of administrative actions, which decision thereafter shall be directly appealable to the land use board of appeals in accordance with ORS 197.830 and 227.175(12).~~

~~F. If an application for a land use action or permit is denied, the applicant thereafter may submit a single supplemental application for any or all other uses allowed under the comprehensive plan and this title in the zone in which the site that is the subject of the application is, or on rezoning would be, located. The supplemental application shall include a request for any rezoning or variance that may be required in order to obtain approval of a permit under the comprehensive plan and this title. The supplemental application shall be subject to the same procedures as any other application for a land use~~

~~action or permit, except that the time within which the city must take final action shall be 240 days rather than the 120 days set out in LCMC 17.76.050(A).~~

~~G. Except as otherwise provided in this section:~~

~~1. If the land use board of appeals issues a final order remanding to the city a city decision on an application for a land use action or permit, and if no petition for judicial review of the LUBA final order is timely filed, then the city shall take final action on the remanded application within 111 days after LUBA delivered or mailed its final order; and~~

~~2. If LUBA issues a final order remanding to the city a city decision on an application for a land use action or permit, if a petition for judicial review is timely filed, and if the final resolution of the judicial review affirms LUBA remand, then the city shall take final action on the remanded application within 90 days after the resolution of the judicial review becomes final.~~

~~The commencement of the 111- and 90-day periods set out in this subsection shall be automatically deferred until the applicant delivers to the department a written request that the city proceed with the application on remand. The 111- and 90-day periods set out in this subsection may be extended by the director, at the director's discretion, for a reasonable period of time on receipt of a written request from the applicant. The 111- and 90-day requirements set out in this subsection shall not apply to remand proceedings concerning amendments to the city's comprehensive plan or land use regulations or the adoption of new land use regulations that were forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610.~~

~~H. Any staff report used at the hearing shall be available at least seven days prior to the hearing.~~

~~17.76.020 Public notice.~~

~~A. Content of Mailed and Published Notice. A notice of a public hearing or an administrative action shall contain the following information:~~

~~1. The name of the applicant;~~

~~2. In the case of a public hearing, the date, time and place of hearing, and who is holding the public hearing;~~

~~3. The street address or other easily understood geographical reference to the subject property;~~

~~4. The nature of the application and, in the case of a public hearing, the proposed use or uses which could be authorized and, in the case of an administrative action, the proposed use or uses which have been authorized;~~

~~5. A list of the applicable criteria from this title and the comprehensive plan that apply to the application at issue;~~

~~6. In the case of a public hearing, a statement that a failure to raise an issue in person or by letter not later than the close of the record following the evidentiary hearing, or failing to provide accompanying statements of evidence sufficient to afford the decision-making body an adequate opportunity to respond to the issue will preclude an appeal to the land use board of appeals on that issue;~~

~~7. The name of the city representative to contact and the telephone number where additional information may be obtained;~~

~~8. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria and, in the case of an administrative action, a copy of the administrative action are available for inspection at no cost and will be provided at reasonable cost;~~

~~9. In the case of a public hearing, a statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;~~

~~10. In the case of a public hearing, a general explanation of the requirements for submission of testimony and the procedure for conducting hearings;~~

~~11. In the case of an administrative action, statements that:~~

~~a. Any person who is adversely affected or aggrieved or who is entitled to written notice under subsection (B) of this section may appeal the decision by filing a written appeal to the planning commission in the manner and within the time period provided in LCMC 17.76.040(A);~~

~~b. The administrative action will not become final until the period for filing an appeal to the planning commission has expired; and~~

~~c. A person who is mailed written notice of the administrative action cannot appeal the action directly to the land use board of appeals under ORS 197.830.~~

~~B. Mailed Notice.~~

~~1. The city shall mail notice of hearings or actions requiring notice pursuant to the provisions of this title to the applicant and to owners of record of property located within 250 feet from the exterior boundary of the subject property, and also to any neighborhood or community organization recognized as such by the city council, whose boundaries include the subject property. The city shall mail notice at least 20 days before the hearing for applications for conditional uses, variances and discretionary land use decisions made by staff and the appeals therefrom, and at least 10 days before the hearing for applications for quasi-judicial text or map amendments to this title, and quasi-judicial comprehensive plan map amendments. In addition, if so requested in the application, the city also shall mail notice to the Oregon Department of Land Conservation and Development. For the purpose of this section, the "owners of record" is defined as property owners at mailing addresses verified in writing by the Lincoln County assessor's office, and includes changes in ownership and mailing address that are readily available since the most recent property tax assessment.~~

~~2. If an application would change the zone of property which includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the city shall give written notice by first class mail to each existing mailing address for tenants of the park at least 20 but not more than 40 days before the date of the first evidentiary hearing on the application. Failure of a tenant to receive a notice shall not invalidate the zone change.~~

~~3. The city shall mail notice of an appeal from a planning commission decision to all persons who gave testimony before the planning commission orally or in writing.~~

~~4. Failure of a property owner, neighborhood or community association, or DLCD to receive required notice shall not invalidate such proceedings, if the city can demonstrate by affidavit that such notice was given.~~

~~C. Published Notice. Notice shall be given for text or map amendments to this title and comprehensive plan by publication in a newspaper of general circulation in the city at least 10 days before the date of the public hearing.~~

~~D. Change in Nature of Decision. In a proceeding for which notice is provided under this section, the city shall not make a final decision that is different from the proposal described in the notice to such a degree that the notice did not reasonably describe the city's final action.~~

~~E. Notice of Zone Change or Limitation or Prohibition of Use. Except as to cases described in subsection (F) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof or this title in a manner that would change, or require a change in, the base zone of property or limit or prohibit, or require a limitation or prohibition of, land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:~~

~~This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.~~

~~The notice also shall contain substantially the following statement in the body of the notice:~~

~~On _____, Lincoln City will hold a hearing on the adoption of a proposed ordinance. The City has determined that adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance is available for inspection at the Department of Planning and Community Development at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~F. At least 30 days prior to the amendment of the comprehensive plan or this title pursuant to a requirement of periodic review of the comprehensive plan, in a manner that would change the base zone of property or limit or prohibit land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain~~

~~substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:~~

~~This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.~~

~~The notice also shall contain substantially the following statement in the body of the notice:~~

~~As a result of an order of the Oregon Land Conservation and Development Commission, Lincoln City is considering a proposed ordinance. Lincoln City has determined that the adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance, if adopted, will become effective on or about _____. The ordinance is available for inspection at the Department of Planning and Community Development at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~G. Notice to ODOT and Other Public Agencies. The city shall provide written notice to ODOT and other public agencies in accordance with LCMC 12.28.200(D).~~

~~17.76.030 Quasi-judicial public hearing procedure and requirements.~~

~~A. The following procedural entitlements shall be provided at the public hearing:~~

~~1. An impartial review as free from potential conflicts of interest and ex parte contact as is reasonably possible;~~

~~2. No member of a hearing body (planning commission or city council) shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:~~

~~a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, or any business with which the member is in direct competition, where the number of similar businesses is five or less,~~

~~b. The member has a direct private interest in the proposal,~~

~~c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner;~~

~~3. Body members shall reveal any ex parte contacts with regard to any matter and shall state the parties' right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have~~

~~not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations;~~

~~4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion;~~

~~5. No officer or employee of the city who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest;~~

~~6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence;~~

~~7. A reasonable opportunity for rebuttal or new material.~~

~~B. Rights of Disqualified Member of the Hearing Body.~~

~~1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.~~

~~2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the record and evidence received at the prior hearing(s).~~

~~C. Burden and Nature of Proof. The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this title, especially the specific criteria set forth for the particular type of decision under consideration.~~

~~D. Nature of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.~~

~~1. Before receiving testimony on the issue, the following shall be addressed:~~

~~a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.~~

~~b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts shall be determined. If ex parte contacts are reported by any commission member, the member shall state the content of the communication.~~

~~Thereafter, the chairperson of the commission shall state that the parties have the right to rebut the substance of the ex parte communication. Communications with city staff are not to be considered as ex parte communications.~~

~~c. A statement by the chairperson presiding that:~~

~~i. States that testimony, arguments, and evidence must be directed toward the applicable criteria or other criteria in the comprehensive plan or this title which the person believes apply to the decision;~~

~~ii. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the hearing body an opportunity to respond to the issue will preclude an appeal to the land use board of appeals based on that issue;~~

~~iii. States that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issues will preclude an action for damages in the circuit court.~~

~~2. Presentations and Evidence.~~

~~a. The presiding officer shall preserve order at the public hearing and shall decide questions of order.~~

~~b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.~~

~~c. After presentation of the staff report, the proponent and all persons in favor of proponent's proposal shall be heard. Following the presentation of proponent's case, the opponents shall be heard. After presentation of the evidence by the opponents, neutral parties who do not necessarily support or oppose the petition shall have an opportunity to be heard, and then representatives of public agencies. Following all presentations of evidence, brief rebuttal shall be permitted in the same general order, but the presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.~~

~~3. The hearing body may continue a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.~~

~~4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing body shall grant such request by either continuing the hearing or leaving the record open for additional written evidence, arguments, or testimony.~~

~~a. If the hearing body grants a continuance, the hearing shall be continued to a date, time, and place at least seven days from the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven~~

~~days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence. The hearing body may grant or deny such a request, at its discretion.~~

~~b. If the hearing body leaves the record open for additional written evidence, arguments, or testimony, the record shall be left open for at least seven days. If new evidence is submitted during the period the record is left open, any participant, within two working days after the period terminates, may file a written request with the department for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the record shall be reopened for an additional five days to allow the participant to raise new issues in response to the new evidence.~~

~~5. When the hearing body reopens a record to admit new evidence, arguments or testimony, any person may raise new issues related to the new evidence, arguments, testimony, or criteria for decision making that apply to the matter at issue.~~

~~6. Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be part of the record. The applicant's final submittal shall not include any new evidence and, if it does include new evidence, the new evidence shall be considered not part of the record and shall be disregarded.~~

~~7. Notwithstanding the provisions of subsections (D)(3), (4) and (5) of this section, the hearing body shall not continue a hearing, leave a record open for the submittal of additional written evidence, arguments, or testimony, or reopen a record, if the continuance, leaving open, or reopening will result in the city's not taking final action on an application within the time period set out in LCMC 17.76.050(A).~~

~~E. Decision. Following the procedure described in this section, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is before the planning commission on a zoning map or text amendment, the planning commission shall make a recommendation to council to adopt or deny the change. Such recommendation will be reflected in the minutes of the planning commission. If the hearing is in the nature of an appeal, the body may affirm, affirm with modifications or additional conditions, reverse, or remand the decision that is on appeal. The hearing body shall not impose conditions of approval that have not been stated, either prior to the close of the hearing or prior to the close of a reopened hearing, with sufficient specificity to allow the applicant to respond to the conditions.~~

~~1. The decision of the hearing body, which has the authority to approve the application or decide the appeal, shall be by a written order signed by the presiding officer.~~

~~2. The order shall incorporate findings of fact and conclusions that include:~~

~~a. A statement of the applicable criteria and standards against which the proposal was tested;~~

~~b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standards, briefly stating how those facts support the decision.~~

~~3. The written order is the final decision in the matter.~~

~~F. Record of Proceedings. The proceedings shall be recorded stenographically or electronically.~~

~~1. The hearing body shall, where practicable, retain as part of the hearing records each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file.~~

~~2. The findings shall be included in the record.~~

~~3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled copies of the record at the person's own expense.~~

~~G. Notice of Decision. Notice of decision by a hearing body shall be provided to all persons who appeared before the hearing body orally or in writing, or requested in writing that they be given notice of such decisions. The act of signing a petition shall not be deemed a written appearance before the hearing body and shall not confer party status on the signator. Only the representative submitting the petition or chief petitioner shall be given notice of the decision. The notice of the decision shall include:~~

~~1. A brief description of the decisions reached and date of decision;~~

~~2. A description of the requirements for an appeal, including the type of appeal that may be requested, and the applicable timelines;~~

~~3. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing;~~

~~4. A statement that the complete case, including the final order, is available for review at the city. (Ord. 2000-06-A §§ 14 – 18; Ord. 91-18 § 6; Ord. 84-2 § 9.030)~~

~~17.76.040 Appeals.~~

~~A. Decision of Planning Director. A decision of the planning director on the issuance of an administrative permit or discretionary action concerning a land use matter may be appealed to the planning commission by an affected party entitled to notice of decision by filing an appeal with the planning and community development director within 12 days of the mailing of the decision. The notice of appeal that is filed with the city shall indicate the decision that is being appealed and the basis for the appeal. The notice shall indicate in what respects the decision being appealed is a discretionary decision involving a land use matter. The matter at issue will be a determination of the appropriateness of the director's interpretation of the requirements of this title. Notice of the hearing shall be mailed as provided in LCMC 17.76.020(B)(1).~~

~~B. Decision of Planning Commission. A decision of the planning commission concerning a quasi-judicial land use matter may be appealed to the city council by a party to the hearing by filing an appeal within 10 calendar days of the mailing of the order. The notice of appeal filed with the city shall contain the information outlined in subsection (C) of this~~

~~section. For purposes of this section, "party" refers to the applicant and any person who appeared orally or in writing at the hearing.~~

~~The city council may by motion call up a decision of the planning commission on a quasi-judicial land use application, review of which shall be in the form of an appeal reviewed de novo or on the record as the council determines appropriate. The motion shall set the date, time, and place of hearing.~~

~~C. Information Required. A request for appeal of a planning commission decision shall contain:~~

~~1. An identification of the decision sought to be reviewed, including the date of the decision;~~

~~2. A statement of interest of the person seeking review including that the person was a party to the initial proceedings and appeared orally or in writing before the planning commission;~~

~~3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the planning commission hearing.~~

~~D. Review.~~

~~1. Except as provided in subsections (D)(6) and (7) of this section, city council review is limited to the evidence in the record before the hearing body. If an appeal is confined to the record of the proceeding, the record shall include:~~

~~a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by a party and received or considered in reaching the decision under review;~~

~~b. The final order and findings of fact adopted in support of the decision being appealed;~~

~~c. The request for an appeal filed by the appellant;~~

~~d. The minutes of the public hearing;~~

~~e. The transcript of the hearing below if provided. A verbatim transcript of the hearing body proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the hearing body proceedings at that person's own expense. The city manager may prepare a certified verbatim transcript of all or part of the hearing body's proceedings at the city's expense if the city manager deems a transcript necessary or advisable. A certified transcript prepared under this subsection shall be considered part of the record and if offered shall be accepted into evidence and considered by the city council.~~

~~2. After receipt of all required fees the director shall set a hearing and provide public notice indicating the date, time and place of the review and the issues that are the subject of the review pursuant to LCMC 17.76.020(B)(1).~~

~~3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.~~

~~4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant.~~

~~5. The appellant shall bear the burden of proof.~~

~~6. Submission of New Evidence. The city council may reopen the record and consider new evidence if such a request is made prior to or at the city council hearing by the appellant or any person who testified before the hearing body, and the requesting party demonstrates:~~

~~a. The hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the hearing body to correct the error; or~~

~~b. That new evidence material to the decision on appeal exists and could not have been presented earlier to the hearing body. A requesting party may only qualify for this exception if the person demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the hearing body. This exception shall be strictly construed by the city council to ensure that all relevant evidence and testimony is submitted to the hearing body.~~

~~7. De Novo Hearing. In deciding whether to conduct de novo proceedings on an appeal, the city council shall consider the following: the matter involves an interpretation of city ordinance; there is new information that was not available at the time the hearing was conducted as demonstrated in subsection (D)(6)(b) of this section; or for any other reason the city council determines it would be appropriate to conduct a de novo hearing.~~

~~E. Review Body Decision.~~

~~1. Upon review, the reviewing body may affirm, reverse or modify the decision of the lower body or staff. The hearing body may also remand the decision of the lower body or staff, with instructions.~~

~~2. Notice of the reviewing body decision shall be provided to all parties to the hearing, within five working days of the date of the final decision. The notice of the decision shall include:~~

~~a. A brief description of the decision reached, and a copy of the final order;~~

~~b. If the reviewing body is the planning commission, a statement that the decision may be appealed to the city council on the record, by filing an appeal within 10 calendar days of the date that the final order was mailed;~~

~~c. If the reviewing body is the city council, a statement that the decision may be appealed to the land use board of appeals by filing a notice of intent to appeal within 21 days of the date that the final order was mailed;~~

~~d. A statement that the complete case is available for review at the city~~

~~17.76.050 Final action on application for permit or zone change request.~~

~~A. The city shall take final action on an application for a permit or zone change, including the resolution of all appeals, within 120 days after the application is deemed complete. The 120-day period does not apply to an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation, notice of which was forwarded to the director of the Department of Land Conservation and Development~~

~~under LCMC 17.88.065. At the request of the applicant, the 120-day period may be extended for a reasonable period of time by the director, at the director's discretion. In addition, the 120-day period shall be extended by an amount of time equal to the length of any continuance or extension of the time for closing the hearing record or of any period during which the hearing record has been reopened, requested or agreed to by the applicant, and by an additional seven days unless the applicant waives in writing the applicant's right to submit final written arguments in support of the application following closing of the record.~~

~~B. If the planning commission fails to take action on a quasi-judicial land use matter within 30 days of the close of the public hearing, any party who appeared before the planning commission either orally or in writing may seek review of the matter by the city council on the record. Such review shall be as if on appeal, and all provisions of this title applicable to appeals of planning commission decisions to city council shall apply.~~

~~C. If the city has insufficient time to conduct a hearing before the planning commission and allow for appeal of the decision, if required, to city council, the city council on its own motion may call up the matter for hearing prior to hearing by the planning commission. In such a case, the city council shall conduct an evidentiary hearing on the application and make a final decision within the time allowed by law.~~

~~D. If the city fails to take final action on an application for a permit or zone change within the time period set out in subsection (A) of this section, and the applicant files a petition for a writ of mandamus under ORS 227.160 through 227.185, then the city thereafter shall take no further action on the application under the provisions of this chapter.~~

~~17.76.060 Filing fees.~~

~~A. Permit Fees. A schedule of permit fees shall be established by resolution of the city council and paid to the city upon the filing of an application. Such fees shall not be refundable. The failure to submit a required fee with an application, including return of checks unpaid, or other failure of consideration, shall be a jurisdictional defect and the permit application shall not be processed.~~

~~B. Appeal Filing Fees. A filing fee shall be required for the processing of an appeal and shall be in an amount set by resolution of the city council. The failure to submit a required fee with a notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect and the city shall deem the appeal abandoned.~~

~~C. Additional Costs. Where the planning and community development director, with the concurrence of the city manager, deems it necessary and in the public's interest to incur additional costs, such as the hiring of an independent geotechnical or engineering expert, or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant.~~

SECTION 21. Chapter 17.88 *(Amendments) is hereby deleted to read as follows:*

~~**Chapter 17.88**~~

~~**AMENDMENTS**~~

~~**Sections:**~~
~~**17.88.010 Procedure.**~~
~~**17.88.020 Initiation of amendments.**~~
~~**17.88.030 Application.**~~
~~**17.88.040 Action by the planning commission.**~~
~~**17.88.050 Action by the city council.**~~
~~**17.88.060 Burden of proof.**~~
~~**17.88.065 Notice.**~~
~~**17.88.070 Limitation on new applications.**~~
~~**17.88.010 Procedure.**~~
~~**This title 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 chapter.**~~
~~**17.88.020 Initiation of amendments.**~~
~~**An amendment to the text of this title 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 redesignation;**~~
~~**D. A Lincoln City resident requesting a change to the text of the comprehensive plan or this title;**~~
~~**E. The planning and community development director.**~~
~~**17.88.030 Application.**~~
~~**The property owner or his authorized agent or for textual changes a resident of Lincoln City may make application for an amendment by filing an application, at least 45 days prior to the meeting date the matter is intended to be considered, with the planning director or his designee on a form and in a manner prescribed by the city, pursuant to LCMC 17.76.010, which shall include the following additional information:**~~
~~**A. Name and address of the applicant;**~~
~~**B. 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;**~~

~~C. Address, legal description and Lincoln County assessor's tax lot and map number of the property subject to a map amendment;~~
~~D. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and a listing of current property owners within 100 feet of the property subject to this application for a map amendment;~~
~~E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan for the city of Lincoln City and each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of an amendment to this title, zoning map or comprehensive plan map and/or text as listed in LCMC 17.88.050(D);~~
~~F. The application shall be accompanied by a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable.~~
~~17.88.040 Action by the planning commission.~~
~~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 an 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.~~
~~B. The report and recommendations of the planning commission shall be made within 60 days after the filing of a complete application; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to so report within 60 days without the aforesaid agreement shall be deemed to be a recommendation of approval of the proposed amendment of the planning commission. If the commission deems it advisable, it may recommend that the area under consideration for change in classification or designation be enlarged or diminished, or reclassified to a district or category other than the district or category originally initiated.~~
~~17.88.050 Action by the city council.~~
~~A. Hearing Before City Council. Upon receipt of the report from the planning commission or upon the expiration of such 60 days as aforesaid, a public hearing is automatically set for the next regular city council meeting following the receipt of the report; provided, however, that the council may, by motion, set the date of such public hearing at such other time or at such other place it desires. Notice of the public hearing shall be given as provided in Chapter 17.76 LCMC, and in the case of an amendment to property containing a mobile home park, notice shall also be provided to tenants of such mobile home park.~~
~~B. At the conclusion of the public hearing, the council may enact an ordinance granting the comprehensive plan and zoning map or textual amendment, or may by motion deny the granting of the amendment. The council shall in any event render its decision on any~~

~~application within 60 days after the receipt of the report and recommendation of the planning commission or after the expiration of such 60 days as aforesaid; provided, however, that nothing shall prohibit the city council from, by motion, postponing disposition of the application to a definite time past the 60-day period, provided mutual agreement is made for such postponement by the parties having an interest in the proceedings. If the council fails to take action on an application for a zoning or comprehensive plan map amendment within 60 days as provided above, the application shall be deemed denied.~~

~~C. If the council proposes to adopt an amendment that is substantially altered from the recommendation of the commission, the council may refer the proposed amendment back to the commission for report and recommendation, which may include the holding of a joint meeting, before adoption. The commission shall consider the amendment within 15 days of the referral and report thereon at the next regular meeting of the city council. Failure to so report will be deemed to constitute approval by the planning commission.~~

~~D. Findings of Fact. In order for the city council to adopt an ordinance for an amendment to this title, comprehensive plan document and/or map, it must make and adopt findings 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 amendment must comply with and conform to the comprehensive plan goals, policies and land use map. For plan and land use regulation amendments, proposals must be consistent with provisions in the Oregon Transportation Planning Rule, OAR 660-012-0060. If statewide goals provide a more specific direction than is provided by the goals in the comprehensive plan, the findings must provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies.~~

~~17.88.060 Burden of proof.~~

~~The specific findings made by the city council, upon the recommendation of the planning commission, to adopt an ordinance for an amendment to this title, 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.~~

~~17.88.065 Notice.~~

~~A. Initial Notice to DLCD. At least 35 days before the first evidentiary hearing on a proposal to amend the comprehensive plan or this title, the department shall mail to the Director of the Oregon Department of Land Conservation and Development a notice that includes the text of the proposed amendment and any supplemental information that the department believes is necessary to inform DLCD of the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.~~

~~B. Initial Notice to Others. Notice of a hearing on a proposal to amend the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.020.~~

~~C. Notice to DLCD Following Adoption. Not later than 20 days after adoption by the city council of an ordinance amending the comprehensive plan or this title, the department shall mail a notice that includes a copy of the ordinance, accompanied by materials to comply with ORS 197.615(2), to the Director of DLCD. If the adopted amendment is substantially different than the proposed amendment mailed to DLCD under subsection (A) of this section, the notice shall specify the substantial differences. The notice shall include a signed statement by the person mailing it, indicating the date of deposit in the mail.~~

~~D. Notice to Others Following Adoption. On the same date as the department's mailing under subsection (C) of this section, notice of adoption by the city council of an ordinance amending the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.030(G). In addition to the information set out in LCMC 17.76.030(G), the notice also shall:~~

~~1. Identify the place where and the hours during which a person may review the amendment; and~~

~~2. Include a signed statement by the person mailing the notice indicating the date of deposit in the mail.~~

~~17.88.070 Limitation on new applications.~~

~~In a case where an application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one year from the date of the denial, unless the denial was specifically stated to be without prejudice. A new application affecting the same property must be, in the opinion of the planning commission and the city council, substantially different from the application denied to be eligible for consideration within one year from the date of denial, unless the first denial was denied without prejudice, or the planning commission finds that conditions have changed to an extent that further consideration is warranted.~~

SECTION 22. Chapter 17.52.210 *(Planned unit development (PUD)) is hereby deleted to read as follows:*

~~17.52.210 Planned unit development (PUD).~~

~~A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned unit development approach may allow certain commercial uses subject to the specific limitations of this section.~~

~~B. Planning Commission Authority. The planning commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any~~

~~residential or commercial zone, or any combination of them, subject to the provisions of this section.~~

~~C. Pre-Application Conference. Prior to filing an application for a planned unit development, the applicant shall review the applicant's preliminary master plan with the city manager or the city manager's designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.~~

~~D. Allowable Density. The allowable residential density in a PUD that meets only the minimum PUD standards is the "maximum base residential density" and shall be determined in the following manner:~~

~~1. Determine the gross square footage of the project site.~~

~~2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."~~

~~3. Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."~~

~~4. Multiply the final gross residential area by 0.83. The result is the "final net residential area."~~

~~5. Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.~~

~~E. Residential Density Bonuses.~~

~~1. Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.~~

~~2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, in the R-1-10 zone is 4.36 units per acre, and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).~~

~~3. If an applicant requests one or more density bonuses the planning commission shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the planning commission determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.~~

~~4. Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.~~

~~a. Floodplain.~~

~~i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.~~

~~ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)~~

~~b. Steep Slopes.~~

~~i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.~~

~~ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)~~

~~c. Protected Species Habitat.~~

~~i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.~~

~~ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)~~

~~d. Public Transit.~~

~~i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.~~

~~ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project boundaries so that public transit shelters may be added in the future. (0.01 point.)~~

~~e. Accessible Design.~~

~~i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.~~

~~ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)~~

~~f. Energy Efficiency.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. (0.02 point).~~

~~(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and~~

~~(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared~~

~~against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).~~

~~The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess) energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.~~

~~g. Outdoor Water Conservation.~~

~~i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.~~

~~ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)~~

~~h. Indoor Water Conservation.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):~~

~~(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.~~

~~(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:~~

~~(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.~~

~~(2) The average flow rate for all shower heads must be no more than 2.0 gpm.~~

~~(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.~~

~~i. Tree Preservation.~~

~~i. Requirement. Comply with the requirements of LCMC 17.52.220.~~

~~ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent, drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.~~

~~F. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:~~

~~1. At least five percent of the total number of dwelling units in the project must be affordable units.~~

~~2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.~~

~~To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the planning and community development director for development by that entity as affordable housing.~~

~~G. Large-Scale, Mixed Use PUDs. This subsection sets forth special provisions for large-scale, mixed use PUDs that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.~~

~~1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed PUD that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross PUD site area as open space.~~

~~2. Limited Recreational Commercial Uses Permitted.~~

~~a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use PUDs located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:~~

~~i. Motels, hotels, and resorts;~~

~~ii. Cabins and yurts used for overnight accommodations;~~

~~iii. Eating or drinking establishments without drive-up service facilities;~~
~~iv. Retail sales, exclusive of drive-up service facilities;~~
~~v. Day spas;~~
~~vi. Child day care facilities;~~
~~vii. Religious institutions and houses of worship;~~
~~viii. Convention centers and meeting facilities;~~
~~ix. Time-share units;~~
~~x. Bed and breakfast accommodations;~~
~~xi. Public use or public utility;~~
~~xii. Utility substation;~~
~~xiii. Outdoor commercial amusement establishments;~~
~~xiv. Essential emergency communications and warning facilities;~~
~~xv. Emergency shelters;~~
~~xvi. Mixed use incorporating one or more of the uses listed here.~~

~~b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use PUDs located in residential or commercial zones:~~

~~i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;~~
~~ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;~~
~~iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and~~
~~iv. Recreational commercial uses are subject to the "pearl" Lincoln City commercial design standards.~~

~~3. Applications for large-scale, mixed use PUDs shall meet the requirements of OAR 660-012-0060, and be subject to the following:~~

~~a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).~~
~~b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.~~
~~c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.~~

~~H. Preliminary Master Plan Application. Following a pre-application conference, an applicant may submit a preliminary master plan to the site plan committee established under LCMC 17.52.240 for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information:~~

~~1. Proposed name of the planned unit development;~~

~~2. Date, north point and scale of drawing;~~

~~3. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;~~

~~4. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;~~

~~5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;~~

~~6. The following:~~

~~a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;~~

~~b. Contour lines having the following minimum intervals:~~

~~i. Two-foot contour intervals for ground slopes less than 10 percent; and~~

~~ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;~~

~~c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);~~

~~d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;~~

~~e. Proposed streets, including location, widths and approximate radii or curves;~~

~~f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;~~

~~g. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;~~

~~h. Sites, if any, allocated for:~~

~~i. Churches;~~

~~ii. Parks, schools, playgrounds;~~

~~iii. Public buildings;~~

~~iv. Open space;~~

~~v. Commercial uses, specifying the type of each.~~

~~i. Area coverage of existing and proposed structures, lots, streets or other development.~~

~~I. Supplemental Preliminary Master Plan Information. The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:~~

~~1. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;~~

~~2. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;~~

~~3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system;~~

~~4. A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions;~~

~~5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards;~~

~~6. Proposed number of residential units;~~

~~7. An approximate tabulation of all dwelling units by type;~~

~~8. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of this section;~~

~~9. A statement describing the present and proposed ownership;~~

~~10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped;~~

~~11. A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;~~

~~12. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.~~

~~13. A tree maintenance and protection plan, which shall contain the following information:~~

~~a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:~~

~~i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;~~

~~ii. The location of the individual trees, with a diameter of eight inches or more, on the site, and indicating species, approximate height, d.b.h., canopy spread and common name;~~

~~iii. The location of unique trees or stands of trees as set out in the arborist report described below; and~~

~~iv. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.~~

~~b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the planning director, and clearly indicating the information required by this subsection.~~

~~c. Arborist Report. The report shall identify any unique or unusual trees or stands of trees and describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, d.b.h., and approximate height and age.~~

~~d. Tree Protection. Unless specifically exempted by the planning director, a statement describing how trees intended to remain will be protected during tree removal and how remaining trees will be maintained.~~

~~e. Tree Identification. Unless specifically exempted by the planning director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.~~

~~f. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and cost. In lieu of replacing trees, the applicant may propose to pay into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection.~~

~~g. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.~~

~~h. Waiver of Documentation. The planning director may waive an application document where the required information has already been made available to the city, or where the director determines the information is not necessary to review the application.~~

~~J. Determination That Preliminary Master Plan Is Complete. Following submission or resubmission of a preliminary master plan, the site plan committee established by LCMC 17.52.240 shall determine whether the plan is complete pursuant to the submittal requirements of subsections (H) and (I) of this section. The determination of the committee shall be in writing and, if the application is determined to be incomplete, shall~~

~~be provided to the applicant with a description of the additional material required to make the application complete.~~

~~K. Site Plan Committee Review of Complete Preliminary Master Plan. Following submission of a complete preliminary master plan, the site plan committee shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the planning commission the comments of the committee members and of those governmental units and agencies that submit comments.~~

~~L. Planning Commission Consideration of Preliminary Master Plan. Following receipt of comments on the preliminary master plan from the site plan committee, the planning commission shall review the plan and comments in public hearings and shall give approval, approval with conditions, or disapproval to the preliminary master plan. The planning commission shall state its decision and its reasons in writing. The applicant may appeal the decision to the city council in accordance with the provisions of LCMC 17.76.040. The planning commission shall issue its written decision in a timely manner so that the city's final decision, inclusive of all appeals, can be made within 120 days after submission of a complete preliminary master plan. The planning commission's consideration of the preliminary master plan shall be subject to the following:~~

~~1. The commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.~~

~~a. The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.~~

~~b. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the planning commission shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission reevaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission deems appropriate to ensure conformity.~~

~~c. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:~~

~~i. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;~~

~~ii. Prohibitions of open burning on the site during construction;~~

~~iii. Prohibitions or limitations on construction track-out;~~

~~iv. Restrictions on construction noise; and~~

~~v. Restrictions on construction traffic.~~

~~d. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the planning commission may require the filing of restrictions in the county deed records including but not limited to restrictions:~~

~~i. Prohibiting the removal of specified landscaping; and~~

~~ii. Prohibiting open burning during construction.~~

~~e. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.~~

~~f. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.~~

~~g. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.~~

~~2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.~~

~~M. Extension of Approved Preliminary Master Plan. Prior to expiration of an approved preliminary master plan, the planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date; provided, that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for an extension shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning~~

~~commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension will meet the criteria for an extension established by this subsection.~~

~~N. Modification of Approved Preliminary Master Plan. The planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, modify an approved preliminary master plan; provided, that the modifications will be consistent with the then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for modifications shall be subject to all of the procedures set out in subsections (C) through (L) of this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed modifications and to demonstrate that the modifications will meet the criteria for modifications established by this subsection.~~

~~O. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning commission.~~

~~P. Submission of Tentative Subdivision Plan. If an approved preliminary planned unit development master plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the preliminary planned unit development master plan approval, an applicant shall file a tentative subdivision plan for the planned unit development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.~~

~~Q. Planning Commission Consideration of Final Master Plan.~~

~~1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the planning commission. The final master plan may be submitted in development phases; provided, that:~~

~~a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or~~

~~b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:~~

~~i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;~~

~~ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and~~

~~iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.~~

~~2. The final master plan must be in sufficient detail to allow the planning commission to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:~~

~~a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;~~

~~b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:~~

~~i. Central line profiles showing finished grades of all streets;~~

~~ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;~~

~~iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;~~

~~iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.~~

~~3. The planning commission shall approve, or approve with conditions, the final master plan if the planning commission determines that the plan meets all of the following criteria. The commission shall disapprove the final master plan if it finds that the plan, either as submitted or with conditions, does not meet one or more of the following criteria:~~

~~a. The plan is consistent with the preliminary master plan and all conditions applicable to it;~~

~~b. All utility systems and landscaping conform to city standards or are approved by the city engineer; and~~

~~c. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in subsection (Q)(1) of this section will be met.~~

~~R. Requirements Following Final Master Plan Approval.~~

~~1. A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.~~

~~2. Except as provided in subsection (R)(3) of this section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a~~

~~new PUD application and shall be permitted only in accordance with all of the procedures set out in this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.~~

~~3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:~~

~~a. Do not increase densities;~~

~~b. Do not change boundaries;~~

~~c. Do not change any use, specific or general, described in the final master plan; and~~

~~d. Do not change the location or amount of land devoted to specific land uses.~~

~~4. A final PUD plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time may be granted, for good cause, by the planning commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted. If a final PUD plat is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.~~

~~5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain a development permit.~~

SECTION 23. Chapter 17.52.240 *(Site plan review) is hereby deleted to read as follows:*

~~17.52.240 Site plan review.~~

~~A. Purpose. The purpose of site plan review is to establish a coordinated permit process to ensure that new development is in compliance with the requirements of this title. The result of approval of a site plan is the issuance of a permit to the applicant to develop the site in accord with the site plan and any conditions of site plan approval without further review of the site plan for compliance with the provisions of this title. The issuance of a site plan review permit under this section, however, does not excuse a developer or owner from obtaining any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to city sign, tree cutting, grading,~~

~~sedimentation prevention, erosion control, conditional use, planned unit development, and land division permits.~~

~~B. Site Plan Review Criteria. A site plan review application shall demonstrate that:~~

~~1. The proposed development will comply with all of the applicable requirements of this title; and~~

~~2. The arrangement of all buildings and structures, access points, parking and loading facilities, landscaping, lighting, walls and fences, and stormwater detention, treatment, and drainage features and facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.~~

~~C. Site Plan Review Officials. Site plan review officials shall include, but need not be limited to, the director, fire marshal, public works director, police chief, and parks and recreation director, or their designates. These officials shall have the opportunity to review, for compliance with the requirements of this title, the site plans for all proposed nonexempt new buildings, outdoor storage areas, and parking lots, and for the expansion of existing nonexempt buildings, outdoor storage areas, and parking lots, in those zones where site plan review is required.~~

~~D. Site Plan Review Required.~~

~~1. Except as provided in subsection (D)(2) of this section, site plan review is required before any building permit is issued authorizing development and before any outdoor storage area or parking lot development commences, in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD and OPD zones, and before any nonresidential building permit is issued authorizing development and before any nonresidential storage area or parking lot development commences in any other zone.~~

~~2. The following development is exempt from site plan review:~~

~~a. Single-family and duplex dwellings.~~

~~b. Development involving only modifications to the interior of a structure.~~

~~c. Development meeting all of the following criteria:~~

~~i. The development involves either no expansion of an existing building or expansion of an existing building by 800 square feet or less; and~~

~~ii. The development does not affect on-site traffic circulation patterns; and~~

~~iii. The development adds less than three additional parking spaces.~~

~~E. Application. An application for site plan review shall include:~~

~~1. The application form established by the department in order to have the information needed to demonstrate compliance with the requirements of this title provided in a manner that will allow the site plan review officials to review the site plan in an organized and efficient manner;~~

~~2. The filing fee established by resolution of the city council;~~

~~3. A site plan covering all lots on which development will occur or whose area is needed within the development in order to meet requirements of this title. The site plan shall be drawn to scale and shall indicate the following, where applicable:~~

~~a. Dimensions and orientation of the site, and lot lines of, and within, the site.~~

~~b. Locations of buildings and structures, both existing and proposed, and an identification of buildings and structures proposed to be removed.~~

~~c. Location and layout of off-street parking and loading facilities.~~
~~d. Location and points of entry and exit for motor vehicles, and the internal circulation pattern.~~
~~e. Location of walls and fences and an indication of their height and materials of construction.~~
~~f. Location and type of exterior lighting standards and devices.~~
~~g. Location of areas of required landscaping and areas of existing vegetation proposed to be retained.~~
~~h. Grading (excavations and fills), by plotting existing and proposed contours and existing and proposed stormwater detention, treatment, and drainage features and facilities.~~
~~i. The height of buildings and structures.~~
~~j. The proposed use of buildings and structures.~~
~~k. Location and dimensions of existing and required utility, drainage and sidewalk easements.~~
~~l. Location of required sidewalk, curb, gutter, and pavement improvements.~~
~~m. Location of existing and proposed water and sewer lines and facilities.~~
~~n. General location of proposed private utility lines.~~
~~o. If environmental assessments or reports are required by Chapters 17.46, 17.47 and 17.48 LCMC, the location of any riparian vegetation, significant wildlife habitat and major marshes, exceptional aesthetic resources and related natural vegetation cover, historic and archaeological sites, natural hazards, and beaches and dunes that are subject to those sections;~~
~~4. Any environmental assessments or reports required by Chapters 17.46, 17.47 and 17.48 LCMC. If an application does not include the required environmental assessments or reports, the application shall be deemed not complete, but, on the request of the applicant, site plan review officials may review and comment on the site plan on a preliminary basis;~~
~~5. A traffic impact study at the request of the city engineer, if indicated by LCMC 17.52.300;~~
~~6. Any other architectural, civil or traffic engineering, or other information required to permit findings that the development will comply with the provisions of this title;~~
~~7. For a proposed expansion of an existing building, outdoor storage area, or parking lot, the site plan shall indicate the relationship of the proposed expansion to the existing development but need not include other data required in subsection (D) of this section, except as necessary to permit findings that the expanded development will comply with the provisions of this title; and~~
~~8. If an applicant intends to assert that it cannot legally be required, as a condition of site plan approval, to provide easements and improvements at the level otherwise required by LCMC 17.52.230, the application shall include the report described in LCMC 17.52.230(B).~~
~~F. Notice of Receipt of Application.~~

~~1. After receipt of a site plan application, the department shall provide written notice of the application to:~~
~~a. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll.~~
~~b. Any neighborhood association recognized by the city whose boundaries include the site.~~
~~2. The written notices of the application shall include the following information:~~
~~a. The date, time, and place where comments are due, if a person wishes to have the comments considered during the site plan review process. The due date shall be at least 14 days after the date of the notice.~~
~~b. A statement that the criteria governing the site plan review decision are those requirements of this section that are applicable to the particular development being proposed.~~
~~c. The street address or another easily understood geographical reference to the site.~~
~~d. A statement that the site plan review application and any other file materials are available for review at the department and that copies can be obtained at cost.~~
~~e. The name and phone number of a department contact person.~~
~~3. The written notice shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~
~~*G.* Determination of Completeness. Not later than 30 days after the initial filing of the application, the site plan review officials shall have an initial opportunity to review the site plan review application. If the director determines following the initial review:~~
~~1. That the application is complete, then, not sooner than the due date for comments set out in the written notice of the application, the site plan review officials may proceed immediately to complete their review of the application.~~
~~2. That the application is not complete, then, not later than 30 days after the initial filing of the application, the department shall give written notice to the applicant that the application is not complete. The notice shall specify what information is missing, shall give the applicant the opportunity to submit the missing information, and shall indicate a date on and after which the city may proceed to complete its review of the application, with or without the missing information.~~
~~H. Review and Decision.~~
~~1. After the director has determined that the initial application is complete under subsection (*G*)(1) of this section, or on or after the date indicated to the applicant under subsection (*G*)(2) of this section, whichever is applicable, the director shall request that the site plan review officials review the application and any written comments received during the comment period, and that the officials provide their~~

written comments and recommendations on the application to the director not later than the time set by the director for further consideration of the application.

2. Site plan review officials wishing to provide comments and recommendations on the application shall provide written comments and recommendations to the director not later than the time set by the director for further consideration of the application.

3. In reviewing the application and comments received during the comment period, and in making comments and recommendations on the application, site plan review officials shall base their review, and any resulting formal comments and recommendations, on whether the development will comply with the requirements of this title. Site plan review officials also may submit additional informal comments and recommendations that they wish to be provided to the applicant for informational purposes only.

4. On or after the time set by the director for further consideration of the application, after considering the application, comments received during the comment period, and comments and recommendations received from site plan review officials, the director shall prepare a written decision taking one of the following actions:

a. If the director finds that the development, as described in the application, will comply with all of the requirements of this title, the director shall approve the application.

b. If the director does not find that the development, as described in the application, will comply with all of the requirements of this title, the director, in the director's discretion, shall either:

i. Disapprove the application; or

ii. Approve the application, subject to such conditions as are necessary so that the development, as conditioned, will comply with all of the requirements of this title.

The director's decision shall identify each requirement of this title that is applicable to the site plan under review; shall include any findings that are necessary to a determination of whether the site plan complies with the requirement; shall state a conclusion, based on the findings, as to whether the site plan complies with the requirement and, if not self evident, the basis for the conclusion; and, if the decision is to approve the site plan subject to conditions, shall state any findings, conclusions, and basis for conclusions, to demonstrate that compliance with the conditions is necessary in order for the site plan to comply with the requirements of this title.

5. During review of a site plan application, an applicant may revise the site plan under consideration; provided, that the applicant, if required by the director as a condition to revision, signs a written statement in a form approved by the director agreeing that the 120-day period provided for in ORS 227.178 shall commence from the date the revision is filed with the department.

6. If a condition of approval of a site plan requires a future submittal to be filed for deferred or refined site plan review in relation to the development, then review of

~~the future submittal shall be made pursuant to the procedures set out in this section for approval of the site plan itself, except that the review shall be limited to determining only whether the submittal complies with the requirements of this title applicable to the submittal.~~

~~7. A decision of the director under subsection (H)(4) of this section may include, but is not required to include, informal advice to the applicant about other permits or requirements of this title, of the Lincoln City Municipal Code, or of any other local, state, or federal law or authority that are or may be applicable to the proposed development but that are outside the scope of site plan review.~~

~~I. Notice of Decision. On approval, approval with conditions, or disapproval of a site plan review application under subsection (H)(4) of this section, the director shall publish, at the applicant's expense, notice of the action in a newspaper of general circulation in the city. In addition, the director shall provide written notice of the decision to:~~

~~1. The applicant;~~

~~2. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll;~~

~~3. Any neighborhood association recognized by the city whose boundaries include the site; and~~

~~4. Any person who submitted written comments during the comment period.~~

~~The notices provided shall include an explanation of the means for appealing the action taken. In addition, the notices shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~

~~J. Appeals. The applicant or any interested person may appeal a decision of the director under subsection (H)(4) of this section. The appeal shall be filed within 10 days of the mailing of the decision and must be filed in the manner set out in LCMC 17.76.040. The filing of an appeal of a site plan approval shall suspend any building permit issued based on the approval until the city appeal body, whether the commission or the city council, has decided the appeal.~~

~~K. Revisions to Approved Site Plans.~~

~~1. Major revisions proposed by the applicant to an approved site plan shall be made only pursuant to the procedures set out in this section for approval of the site plan itself. A major revision is a revision which:~~

~~a. Increases the density of development;~~

~~b. Enlarges any structure on the site by more than 800 square feet, or enlarges the area of the site;~~

~~c. Changes vehicular or pedestrian access to, or circulation patterns on, the site; or~~

~~d. Changes the location of, or amount of land devoted to, a specific use on the site.~~

~~2. Where a required site plan approval for a development has been granted, it shall be unlawful for any person to cause or permit the construction, alteration,~~

~~improvement, or use of the development in any manner except in compliance with the approved site plan, subject to any lawfully made non-major revisions.~~

~~L. Public Infrastructure Improvements Agreements.~~

~~1. If all the public infrastructure improvements required to be provided as part of a site plan approval have not been satisfactorily completed prior to application for issuance of a certificate of occupancy or prior to a proposed commencement of use, and if the city manager or a designated representative determines that a delay in completion of the improvements is appropriate, then the city manager or delegate may require, as a condition of such issuance or use, an improvement agreement signed by the owner, in a form satisfactory to the public works director. An improvement agreement shall:~~

~~a. Identify all public infrastructure improvements remaining to be completed and establish a time period within which the owner shall complete the improvements;~~

~~b. Provide that if the owner does not complete the identified improvements within the established time period, then the city may complete the improvements and recover the full cost and expense of completion from the owner;~~

~~c. Require the owner to reimburse the city for all costs of inspection by the city engineer of the public infrastructure improvements;~~

~~d. Require the owner to hold harmless, defend, and indemnify the city and its mayor and council members, officers, boards, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required to be done by the owner under the agreement;~~

~~e. Require the city to tentatively accept the public infrastructure improvements and the easements in which they are located at such time as the city engineer determines that the owner has fully complied with all terms and conditions of the improvement agreement related to the improvements and easements; and to finally accept the improvements and easements on satisfactory completion, as determined by the city engineer, of the one-year warranty period required under subsection (L)(3) of this section.~~

~~2. An owner entering into an improvement agreement under subsection (L)(1) of this section shall file with the city, as a condition to city acceptance of the agreement, financial security to assure the full and faithful performance of the agreement by the owner. The financial security shall be in an amount equal to 110 percent of the applicant's estimated cost to complete the public infrastructure improvements, as approved by the city engineer, which amount shall be subject to reduction from time to time in the sole discretion of the city engineer as satisfactory construction of the public infrastructure improvements is completed.~~

~~3. At the time the owner completes construction of public infrastructure improvements required as part of a site plan approval, whether constructed prior to occupancy or use of the site or pursuant to an improvement agreement, as a condition of tentative acceptance of the improvements by the city, the owner shall warrant the materials and workmanship of the improvements for a period of one year from the date of tentative acceptance and shall provide financial security for~~

~~the warranty in the amount of 20 percent of the applicant's estimated cost to construct the public infrastructure improvements, as approved by the city engineer.~~

~~4. The financial security required under subsections (L)(2) and (3) of this section shall be in a form approved by the public works director and may be one or more of the following:~~

~~a. A surety bond executed by a surety company authorized to transact business in the state of Oregon;~~

~~b. Cash; or~~

~~c. An irrevocable standby letter of credit or similar financial security instrument.~~

~~5. Decisions of the city manager, city engineer, or designated representatives in the enforcement of agreements entered into under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

~~M. Time Limitations.~~

~~1. A site plan approval shall become void on the thirty-first day after approval unless the applicant and owner, within 30 days after approval, sign and file with the department an acceptance of the approval in the standard form provided by the director. The director may extend the time for signing the acceptance for good cause, whether before or after expiration of the 30-day period. The signing of an acceptance shall not waive any appeal rights of the applicant or owner, but merely shall acknowledge that, unless the approval is revised on appeal, the development must conform to all of the terms and conditions of the approval.~~

~~2. A site plan approval shall become void two years after approval unless within that time construction of the approved development has been commenced and thereafter diligently pursued toward completion. The director may extend a site plan approval for an additional period of one year and, if an extension is applied for, shall extend the approval, unless there have been changes in the applicable criteria or in circumstances relevant to the site that would justify re-review of the site plan in relation to the applicable criteria. No more than one extension may be granted.~~

~~3. Decisions of the director on whether to approve extensions under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

SECTION 24. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing sign regulations as set forth in this ordinance, LCMC 17.72 as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 25. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 26. Severability.

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

SECTION 27. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 28. Ordinance Effective Date.

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

SECTION 29. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 24-29) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the 10th day of August, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of August, 2020.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinances 2020-13 (Parking and Landscaping), 2020-14 (Permanent signs) and 2020-15 (Procedures)

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, the ordinances are primarily housekeeping as the new Planning Director sought to better organize the development code; as such, notice to DLCD and the city-wide notices were probably not required as the statewide planning goals do not appear to be implicated by the re-organization. Notice was primarily done in an abundance of caution.

Ordinance 2020-13 moves landscaping requirements from the current numerous (scattered) locations to one uniform chapter. Similarly, the ordinance moves all parking and loading requirements to one existing chapter.

Ordinance 2020-14 reorganizes the sign code. Some years ago the City placed temporary signage in Chapter 9.34 in the Municipal Code – outside of the land use code processes which regulates permanent signage structures. The city maintained the requirements for temporary signage in both Title 17 and Title 9. The City now removes this duplication and places all temporary signage in Chapter 9.34 outside the land use chapter.

Ordinance 2020-15 reorganizes the administrative procedural requirements of the code and brings the city more in line with other jurisdictions in the valley by recognizing type 1-4 land use processes. Again, substantively requirements are not changing – the organization of the code is changing.

The public was exceedingly uninterested in the proposed amendments, with very little public comment or questions on the proposals.

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

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

All documents relating to the proposal(s) (amendments) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

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

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

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

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

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

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

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing

ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

The amendments are intended to address and remedy confusing and disjointed code provisions that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

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

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

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

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches & Dunes

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

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

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

The proposed amendments do relate directly to public services and utilities. This goal is not applicable.

(4) Urbanization Goal

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

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

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

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

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

The amendments do not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

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

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

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

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

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

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

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-10 Design Standards

Meeting Date:	August 10, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Richard Townsend
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2020-10 entitled:

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (RC) ZONE), SECTION 17.28.040(B) (F.)& (J); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.)(U) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.

Staff Recommendation:

Staff recommends Council conduct First and Second Reading of Ordinance 2020-10 (Design Standards) and adopt the Ordinance. All changes must be read.

Authority:

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

emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

Council completed First Reading on July 13, 2020. Staff made extensive changes to shorten the ordinance and recommends conducting First Reading again on August 10, 2020.
The Planning Commission recommended approval of the proposed amendments, with minor changes.

Council Options:

1. Read changes, if any. Conduct and Approve First Reading. If unanimous, Conduct and approve Second Reading and adopt the Ordinance.

3. Continue Readings to August 24, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

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

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (RC) ZONE), SECTION 17.28.040(B) (F.)& (J); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.)(U) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.

Council:

1. Motion to approve First Reading of Ordinance 2020-10.

[if unanimous]

2. Motion to approve Second Reading and adopt Ordinance 2020-10.

Attachments:

Ordinance 2020-10 (DOCX)
FINAL Ext. A Findings 2020-10 (DOCX)

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING); AMENDING ALL OF CHAPTER 17.20 (MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE); AMENDING: CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020 (F.); CHAPTER 17.28 (RECREATION-COMMERCIAL (RC) ZONE), SECTION 17.28.040(B) (F.)& (J); CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.040 (K.)(U) AND 17.32.110 (E.); ALL OF CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT); ALL OF CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE); ALL OF CHAPTER 17.50 (OCEANLAKE DISTRICT); CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), SECTION 17.52.210(E.)(2.) AND AMENDING ALL OF CHAPTER 17.74 (COMMERCIAL DESIGN STANDARDS) AND AMENDING CHAPTER 17.80 (SPECIAL USES), SECTION 17.80.

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

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

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

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

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

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

WHEREAS, on July 2, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on July 16, 2019; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on May 5, 2020, held a public hearing and considered the amendments contained within this ordinance. On May 19, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation to approve the amendments herein, with some modifications; and

WHEREAS, the City Council held a public hearing on June 22, 2020. Following the close of the public hearing on June 22, 2020, Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020 and repeated on August 10, 2020. Amended definitions from this ordinance and two other ordinances were directed to be removed and placed in a separate ordinance.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.20 (Multiple Family Residential (R-M) Zone) is hereby amended to read as follows:

Chapter 17.20

MULTIPLE**-UNIT ~~FAMILY~~** RESIDENTIAL (R-M) ZONE

Sections:

17.20.010 Purpose.
17.20.020 Permitted uses.
17.20.030 Accessory uses.
17.20.040 Conditional uses.
17.20.050 Development standards.
17.20.060 Landscaping.
17.20.070 Signs.
17.20.080 Supplementary Regulations and Exceptions.
17.20.090 Off-street parking and loading.
17.20.100 Design standards.
17.20.110 Restrictions.

17.20.010 Purpose.

The Multiple-Unit Residential (R-M) zone allows and encourages higher-density residential uses that blend a range of housing types with the surrounding neighborhood, in a compact, aesthetic, and walkable development pattern.

17.20.020 Permitted uses.

A. Attached single-unit dwellings;

B. Attached single-unit dwellings developments;

C. Community or market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080;

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

E. Duplexes;

F. Multi-unit dwellings;

G. Residential facilities;

H. Residential homes;

I. Structures used temporarily on the site and only during construction of a permitted or conditional use for which a building permit has been issued, but not exceeding six months;

J. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);

K. Transportation uses.

17.20.030 Accessory uses.

A. Animals and gardens, subject to the provisions of LCMC 17.80.080;

B. Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060;

C. Home occupations, subject to the provisions of Subsection 17.52.010(E);

D. Offices incidental to and necessary for the operation of the allowed primary use;

E. Off-street parking areas directly related to the allowed primary use, subject to the provisions of Chapter 17.56 LCMC and Chapter 17.55 LCMC;

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

G. Vacation rental dwellings, provided they are not rented for more than 30 nights in any calendar year, and subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;

17.20.040 Conditional uses.

A. Assisted living facilities;

B. Community meeting buildings or fraternal and social organizations;

C. Educational institutions;

D. Government buildings;

E. Places of worship;

F. Primary, elementary, junior high or high schools; nursery schools; kindergartens;

G. Radio and television transmitters or towers;

H. Recreation centers, public parks, playgrounds, and similar public-owned recreational areas;

I. Wireless communications facilities.

17.20.050 Development standards.

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
1. Min. lot width	25	None	25 feet	25 feet	Not applicable
2. Min. lot area (square feet)	2,500	None	2,500	2,500	None
3. Min. density	None	15 dwelling units per net acre[2,3]	None	15 dwelling units per net acre[2,3]	Not applicable
4. Max. building height (see also Sections 17.52.190 and 17.52.200)					
a. Primary buildings	35 feet	35 feet	35 feet	40 feet	35 feet
b. Accessory buildings, structures, uses	25 feet	25 feet	25 feet	25 feet	25 feet
5. Min. building setbacks (except garage/carport entrances)[4]					
a. Front porch	5 feet	5 feet	5 feet	0 feet	5 feet
b. Front wall	10 feet	10 feet	10 feet	0 feet	10 feet
c. Side interior	5 feet, but 0 feet for attached walls	5 feet, except 0 feet for attached walls	5 feet	5 feet	10 feet
d. Side street	10 feet	10 feet	10 feet	0 feet	10 feet
e. Rear	10 feet	10 feet	10 feet	15 feet	15 feet

	Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments[5]	Duplexes	Multi-unit dwellings	Conditional uses
6. Min. setbacks for garage/carport entrances (attached or detached)					
a. Front-loaded access	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	Not permitted	Not permitted
b. Side-loaded access	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of primary building	Not permitted
c. Rear-loaded access	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line
7. Max. building coverage	35%	45%	45%	65%	45%
8. Common Area	None required	Required[1]	None required	Required[1]	None required
9. Vehicle storage space	None required	Required[5]	None required	None required	None required

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[1]**A minimum of 250 square feet of common area per dwelling unit must be installed as follows:**

i. **Common area must be designed for passive or active recreational use and may include usable floor area in the development's recreation building or club house. Common area must be located outside of required setbacks and required parking areas. The common area requirement is allowed to count toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.**

ii. **Common area must be available, accessible, and free for use by occupants and their guests without leaving the development.**

iii. **Common area must be connected to primary building entrances (in the case of multi-unit dwellings) by an ADA-accessible walkway that is at least five feet wide. The square footage area of ADA-accessible walkways can count towards the minimum common area square footage requirement if they provide at least one connection to each other, connection to other common areas, or connection to public right-of-way or the parking area for the development.**

iv. **All required common areas must include at least one amenity for users including seating, trash/recycling bins, dog waste stations, or play equipment – all of which must coordinate with and complement the development. If a common area has direct connection to an ADA-accessible walkway, then that connection and ADA-accessible walkway can count as the amenity for that particular common area. Common areas provided over and above the minimum requirement do not need to provide any amenities.**

[2]**Where the minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.**

[3]**Example: 50,000 gross square feet less 1,200 square feet for significant wetlands and right-of-way dedication equals 48,800 net square feet. 48,800 divided by 43,560 = 1.12 acres x 15 = 16.8 or 17 dwelling units minimum density.**

[4]**Refer to 17.52.160(B) for exceptions to setback requirements for accessory buildings.**

[5]**Vehicle storage space for boats, campers, RVs, etc. shall be provided at the rate of one 10-foot by 20-foot space in size for every four dwelling units. Adequate maneuvering room shall be provided. The perimeter of the vehicle storage space, excepting the entrance to such, shall be blocked from sight with a 6-foot-high sight-obscuring fence,**

hedge, or wall that complies with clear-vision area requirements of LCMC 17.52.060, and if a hedge, complies with LCMC 17.55.080, Living landscaping as screening.

17.20.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.20.070 Signs. Signs shall be allowed in accordance with Chapter 17.72 LCMC and Chapter 9.34 LCMC.

17.20.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.20.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.20.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.20.110 Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development.

17.20.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.20**~~
~~**MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE**~~

~~**Sections:**~~

~~**17.20.010 Purpose.**~~
~~**17.20.020 Permitted uses.**~~
~~**17.20.030 Accessory uses.**~~
~~**17.20.040 Conditional uses.**~~
~~**17.20.050 Minimum lot area and density requirements.**~~
~~**17.20.060 Lot width, building coverage and yard requirements.**~~
~~**17.20.070 Maximum building height.**~~
~~**17.20.080 Signs.**~~
~~**17.20.090 Parking.**~~
~~**17.20.100 Other required conditions.**~~

~~**17.20.010 Purpose.**~~
~~**This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.**~~

~~**17.20.020 Permitted uses.**~~
~~**The following uses are permitted:**~~

~~**A. Single-family dwellings, if developed under the standards set forth for single-family dwellings within the R-1 zone (except for the building coverage standards, which shall be as set out in LCMC 17.20.060(D)), and two-family dwellings or duplexes;**~~

~~**B. Multiple-family dwellings and apartment houses;**~~

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

~~**D. Rooming and boarding houses;**~~

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

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

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

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

~~**I. Attached single-family dwellings, when developed in accordance with the standards specified in LCMC 17.52.260;**~~

~~**J. Transportation uses, defined in Chapter 17.08 LCMC;**~~

~~**K. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);**~~

~~**L. Four-flat dwellings, subject to the provisions of LCMC 17.80.140.**~~

~~**17.20.030 Accessory uses.**~~
~~**The following accessory uses are permitted:**~~

~~**A. Offices incidental and necessary to the conduct of a permitted use;**~~

~~**B. Off-street parking lots when appurtenant to a permitted use in the R-M zone, subject to the provisions of Chapter 17.56 LCMC;**~~

~~C. Home occupations, subject to the provisions of LCMC 17.52.010(E);~~

~~D. Gardens and animals, subject to the provisions of LCMC 17.80.080;~~

~~E. Accessory dwelling units in association with single-family dwellings, subject to the provisions of LCMC 17.80.110;~~

~~F. Vacation rental dwelling, provided it is not rented for more than 30 nights in any calendar year, and subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;~~

~~G. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.~~

~~17.20.040 Conditional uses.~~

~~The following conditional uses may be permitted subject to a conditional use permit:~~

~~A. Time-share units, when developed subject to requirements and standards of this section;~~

~~B. Places of worship;~~

~~C. Public or private schools (kindergarten through 12th grade, educational institutions, nursery schools and day care centers);~~

~~D. Community meeting buildings, fraternal and social organizations and recreation centers, public parks, playgrounds and similar publicly owned recreational areas;~~

~~E. Public or private golf courses, except driving ranges or miniature courses operated as a business;~~

~~F. Mobile home parks submitted under the provisions of LCMC 17.80.040;~~

~~G. Temporary real estate offices in legally recorded subdivisions;~~

~~H. Cemeteries;~~

~~I. Utility substations, but not wireless communications facilities;~~

~~J. Radio and television transmitters or towers, but not wireless communications facilities;~~

~~K. Government buildings;~~

~~L. Hospitals, sanitariums, rest homes and nursing homes.~~

~~17.20.050 Minimum lot area and density requirements.~~

~~The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex or the first two units of a multifamily development. For each additional dwelling unit, the following standards shall apply:~~

~~A. Low Density. Where the entire lot is in excess of 150 feet from a boundary of a commercial zone, the lot must have an additional area of 2,250 square feet for each additional dwelling.~~

~~B. High Density. Where the entire lot is within 150 feet of the boundary of a commercial zone, the lot must have an additional area of 1,200 square feet for each additional dwelling unit.~~

~~C. Mixed Density. Where a portion of the parcel is within 150 feet of a boundary line of a commercial zone and a portion of the parcel is in excess of 150 feet of the boundary of a commercial zone, calculate allowed density (number of dwelling units) in the following manner:~~

~~1. Deduct the 8,000 square feet required for the first two units from the larger of the two portions. If neither portion is 8,000 square feet, deduct as much as possible from the larger portion and the remainder from the smaller portion, or if the same size, subtract equally from both portions;~~

~~2. Divide the remainder (i.e., square feet of the portion within 150 feet of a commercial zone, less the square footage deducted from this portion in step one) by 1,200 square feet per unit;~~

~~3. Divide the remainder (square feet of the portion more than 150 feet from a commercial zone, less the square footage deducted from this portion in step one) by 2,250 square feet per unit;~~

~~4. Add the quotients from steps 2 and 3. Round the resulting quotient down to the nearest whole number;~~

~~5. To this sum add the two units from step 1 to get the maximum number of dwelling units allowed on the parcel. The site plan may distribute the allowed units on the lot without regard to distance from commercial zoning.~~

~~6. Example of calculation described in subsections (C)(1) through (5) of this section:~~

~~A 50,000 square foot parcel with 20,000 square feet within 150 feet of a commercial zone and 30,000 square feet in excess of 150 feet from a commercial zone.~~

~~1. Deduct the 8,000 square feet required for the first two units from the 30,000 square foot portion.~~

~~2. Divide the 20,000 square feet of the area within 150 feet of a commercial zone by 1,200 square feet per unit. The result is 16.67 units.~~

~~3. Divide the 22,000 square feet (remaining after step 1) of the area in excess of 150 feet of a commercial zone by 2,250 square feet per unit. The result is 9.78 units.~~

~~4. Add the quotients from steps 2 and 3 to get 26.45. Round down to 26.~~

~~5. Add the two units from the first step to 26 for a total of 28 units.~~

~~17.20.060 Lot width, building coverage and yard requirements.~~
~~A. Lot Width. The minimum average lot width shall be at least 50 feet for single-family residences and duplexes; at least 60 feet for triplexes or greater number of dwelling units.~~

~~B. Front Yard. The minimum front yard shall be 20 feet.~~

~~C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.~~

~~D. Building Coverage. The maximum building coverage by buildings and structures shall not exceed 45 percent of the total lot area.~~

~~E. Special yards and distances between buildings shall be provided as follows:~~

~~1. The distance between any principal building and any accessory building shall be a minimum of 10 feet.~~

~~2. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.~~

~~3. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.~~

~~4. For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.~~

~~17.20.070 Maximum building height.~~
~~Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and 17.52.200.~~

~~17.20.080 Signs.~~
~~Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.~~

~~17.20.090 Parking.~~
~~Off-street parking shall be provided in accordance with Chapter 17.56 LCMC.~~

~~17.20.100 Other required conditions.~~
~~A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

~~B. Recreation Area. A multifamily development shall have a minimum of 250 square feet of recreation area for each living unit. The recreation area must be exclusively for recreational use, and shall not be located in the required yard and shall not be considered as required landscape areas. The recreation area, which may include useable floor space in recreation buildings, must be available and free for use by occupants and their guests, and accessible to occupants without having to leave the property comprising the multifamily dwelling complex. The recreation area may be in one or more locations in the multifamily dwelling complex. Any location for use by more than an individual unit shall be at least 20 feet in width and within view of the residences it serves.~~

~~C. [Reserved]~~

~~D. Access Barrier. Each lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of, or within, the front yard or in side yards abutting streets unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.~~

~~E. Access Ways. Each lot shall have not more than two access ways to any one street or highway, which shall comply with the following requirements:~~

~~1. Width of Access Way. The width of any access way leading to or from a street or highway shall not exceed 24 feet, or where the city engineer or the Oregon Department of Transportation requires a turn lane, 36 feet, nor be less than 15 feet in width at the right-~~

~~of-way line for a one-way ingress or egress. The alignment of access ways and curb return dimensions is subject to site plan review committee approval.~~

~~2. Spacing of Access Ways. At its intersection with the lot line, no part of any access way shall be nearer than 20 feet to any other access way on the same lot, nor shall any part of the access way be nearer than 10 feet to any side or rear property line and its intersection with a right-of-way line. Insofar as practicable, the use of common access ways by two or more permitted uses is encouraged in order to reduce the number and closeness of access points along the highways.~~

~~3. Traffic Hazards. The location and number of access ways shall be so arranged that they will reduce the possibilities of traffic hazards as much as possible.~~

~~F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development, except as provided in LCMC 17.52.120(A).~~

~~G. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the multifamily residential zone shall utilize at least two of the following design features to provide visual relief along the front of the home:~~

~~1. Dormers;~~

~~2. Gables;~~

~~3. Recessed entries;~~

~~4. Covered porch entries;~~

~~5. Cupolas;~~

~~6. Pillars or posts;~~

~~7. Bay or bow windows;~~

~~8. Eaves (minimum six-inch projection);~~

~~9. Off-sets on building face or roof (minimum 16 inches).~~

SECTION 2. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.020 (*Uses permitted*), paragraph (F), is hereby amended as follows:

F. Elderly housing units developed under the standards and **~~provisions of the low density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74;**

SECTION 3. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation-Commercial (RC) Zone*), Section 17.28.040 (*Conditional uses permitted*), paragraphs (B), (F), and (J) are hereby amended as follows:

B. **~~Public use or p~~**Public utility;

F. Multi**-unit ~~family~~** dwellings developed under the standards **and requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74;** **~~of the R-M zone;~~**

J. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to the provisions of Article III of Chapter 17.74.

SECTION 4. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.040 (*Conditional uses permitted*), paragraph (K), is hereby amended, and paragraph (U) is hereby added, as follows:

K. Multi**-unit ~~family~~** dwellings developed under the standards and **~~provisions of the high density section of the R-M zone;~~** **requirements for multi-unit dwellings in Chapter 17.20 and Article III of Chapter 17.74;**

U. Residential facilities developed under the standards and requirements for residential facilities in Chapter 17.20, and subject to provisions of Article III of Chapter 17.74.

SECTION 5. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.110 (O*ther required conditions*), paragraph (E) is hereby amended as follows:

E. All **~~commercial or mixed use buildings~~** **development** in the GC zone must conform to **and comply with applicable portions of** Chapter 17.74 LCMC, **~~Commercial~~** Design Standards.

SECTION 6. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan District)* is hereby amended as follows:

Chapter 17.34
NELSCOTT PLAN (NP) DISTRICT

Sections:

17.34.010 Purpose.
17.34.020 Nelscott plan district subdistricts.
17.34.030 Permitted uses.
17.34.040 Development standards.
17.34.050 [Reserved].
17.34.060 Landscaping.
17.34.070 Signs.
17.34.080 Supplementary Regulations and Exceptions.
17.34 090 Off-street parking and loading.
17.34.100 Design standards.
17.34.110 Restrictions.
17.34.120 Conflicts.

17.34.010 Purpose.

The Nelscott plan district (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott.

17.34.020 Nelscott plan district subdistricts.

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

A. Nelscott Business District (NBD). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott commercial core along Highway 101 and to concentrate the businesses in a pedestrian-friendly manner. The emphasis in this subdistrict is on providing retail, commercial, and personal services for the neighboring residents and visitors.

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

C. Nelscott Beachside Mixed Use (NBMU). The intent of this zoning subdistrict is to provide for a variety of small-scale beach-oriented commercial and residential uses in a family-friendly environment.

17.34.030 Permitted uses.

Table 17.34.030.1 identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.34.030-1 Land Uses Allowed in Nelscott

Uses	Subdistrict		
Use Categories	**Business District**	**Cottage Residential**	**Beachside Mixed Use**
Residential Categories			
Single-unit dwelling	**P**	**P**	**P**
Attached single-unit dwelling	**P**	**N**	**P**
Duplex	**P**	**P**	**P**
Accessory dwelling unit,	**P**	**P**	**P**
Multi-unit dwellings	**P**	**N**	**P**
Mixed use **– dwelling(s) above or abutting a ground floor commercial use** **– dwelling(s) below a ground floor commercial use fronting on Highway 101**	 **P** **N**	 **N** **N**	 **P** **P**
Manufactured homes, subject to the provisions of LCMC 17.52.250		**P**	
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities) **– lawfully existing as of June 1, 2008** **– new or expanded use**	 **P** **N**	 **N** **N**	 **N** **N**
Walk-up windows, ATMs, similar uses/facilities	**P**	**N**	**P**
Bed and breakfast inn, subject to the provisions of LCMC 17.80.060	**P**	**P**	**P**
Educational services, not a school (e.g., tutoring or similar services)	**P**	**P**	**P**

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Entertainment, major event	P	N	P
Overnight accommodations, except bed and breakfast inns	P	N	P
Offices	P	N	P
Outdoor recreation, commercial	C	N	C
Surface parking lot, except for public facilities and parking as an accessory use	C	C	C
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	N	P
Retail sales and service, greater than 60,000 square feet	N	N	N
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P
Industrial Categories			
Industrial service, excluding drive-up – fully enclosed (e.g., office) – not enclosed	 C N	 N N	 N N
Manufacturing and production in conjunction with an allowed commercial use – fully enclosed – not enclosed	 C N	 N N	 N N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales – fully enclosed	C N	N N	N N

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
– not enclosed			
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N
Government use	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	C	C
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses	C	N	N
Parks and open space – pedestrian amenities – parks and recreation facilities – other open space	P P P	P P P	P P P
Places of worship[1]	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Radio and television transmitter towers	C	C	C
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Transportation uses	P	P	P

1. Together with accessory uses as specified in LCMC 17.80.160.

17.34.040 Development standards.

Table 17.34.040-1 Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, setback and coverage standards – Detached single-unit dwelling – Attached single-unit dwelling – Other structures	 3,750 sq. ft. 3,750 sq. ft. 3,750 sq. ft.	 3,750 sq. ft. Not applicable 3,750 sq. ft.	 3,750 sq. ft. 3,750 sq. ft. 3,750 sq. ft.
Maximum Dwelling Unit Density – Single-unit dwelling and Duplex – Multi-unit dwelling[1]	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC	One dwelling unit per 3,750 sq. ft. Not applicable	One dwelling unit per 3,750 sq. ft. Subject to Chapter 17.20 LCMC
Minimum Lot Width	50 ft.	35 ft.	50 ft.
Minimum Lot Depth	50 ft.	50 ft.	50 ft.
Maximum Building Height	45 ft.	35 ft.	35 ft.
Maximum Building Coverage	90%	35%[2]	80%
Minimum Setbacks Front, street, side, and rear property lines, except garage or carport entrances	 0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards	 5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, except that the interior side setback for the attached side of attached single-unit	 10 ft.; single-unit dwellings (detached or attached) subject to NCR standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Garage/carport entrance setback from street	20 ft.	dwellings is 0 ft.	20 ft.
Building setback from alley or walkway	5 ft.	20 ft. 5 ft.	Not applicable

17.34.050 [Reserved]

17.34.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.34.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.34.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.34.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.34.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.34.110 Restrictions. No development shall occur in the NP zone unless all city services (sewer and water) are available to serve such development.

17.34.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.34**~~
~~**NELSCOTT PLAN (NP) DISTRICT**~~
~~**Sections:**~~
~~**Article I. Nelscott Plan District – General Provisions**~~
~~**17.34.005 Definitions.**~~
~~**17.34.010 Purpose and overall guiding principles.**~~
~~**17.34.020 Nelscott district overlay zones.**~~
~~**17.34.030 Applicability of municipal code regulations.**~~
~~**17.34.040 Administration of design standards.**~~

~~**Article II. Nelscott Land Use Standards**~~
~~**17.34.050 Permitted uses.**~~
~~**17.34.060 General development standards.**~~
~~**Article III. Nelscott Design Standards**~~
~~**17.34.070 Purpose.**~~
~~**17.34.080 Block layout.**~~
~~**17.34.090 Buildings and structures.**~~
~~**17.34.100 Streetscapes.**~~
~~**17.34.110 Pedestrian spaces.**~~
~~**17.34.120 Off-street parking and circulation.**~~
~~**17.34.130 Pedestrian access.**~~
~~**17.34.140 Landscaping.**~~
~~**17.34.150 Signs.**~~
~~**17.34.160 Exterior lighting.**~~

~~**Article I. Nelscott Plan District – General Provisions**~~

~~**17.34.005 Definitions.**~~
~~**Note: The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.**~~
~~**"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.**~~
~~**"Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex primary dwelling unit or located on the same lot, having an independent primary means of access, visually subordinate to the primary dwelling, and having a total floor area of not more than 750 square feet.**~~
~~**"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.**~~
~~**"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.**~~
~~**"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.**~~
~~**"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.**~~
~~**"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.**~~

~~"Corbel" means a projection on a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~
~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~
~~"Facade" means the front or principal face of a building; any side of a building that faces a street, way, or pedestrian space.~~
~~"False-front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~
~~"Fenestration" means the arrangement and design of windows and doors in a building.~~
~~"Grade" means the surface elevation of the ground.~~
~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~
~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~
~~"Medallion" means a small decorative detail used to accent a building's exterior.~~
~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~
~~"Parapet" means a low protective wall at the edge of a roof.~~
~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~
~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~
~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~
~~"Pier" means a portion of a wall between windows, doors or other openings.~~
~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~
~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~
~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~
~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines~~

~~and inventories prepared by the Arts Committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~1~~17.34.010 Purpose and overall guiding principles.

The Nelscott plan district (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott. Where a proposed development meets the design requirements of this chapter, the land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The NPD land use and design standards in Articles II and III are intended to ensure that projects support the following objectives:

- Integration and functionality of land uses;
- Connecting Nelscott to the ocean;
- Respecting neighborhood transitions;
- Designing for the climate;
- Aesthetics and context-sensitive design;
- Balancing durability and affordability.

~~A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Nelscott, developments should maximize the opportunity to consolidate and share parking, for example, by sharing driveways. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.~~

~~B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys providing visual and, in some cases, physical access to the beach. The area is defined by village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the ocean. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.~~

~~C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting single-family residential uses outside the plan district – particularly the single-family dwellings and cottages to the north. The design standards for Nelscott are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.~~

~~D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Nelscott has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100 miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Commercial buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.~~

~~E. Sustainability. In order to reduce the environmental and energy effects of development, sustainable building practices are encouraged. Permeable pavements for driveways, walkways, and parking areas are encouraged, as is energy conservation in construction. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.~~

~~F. Aesthetics and Context-Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited~~

~~use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.~~

~~While each project is unique, the Nelscott design standards (Article III) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores, franchises and other companies with stores or offices in multiple locations; provided, that corporate logos, art and similar commercial speech are not restricted.~~

~~G. Balancing Durability and Affordability. Balancing durability and affordability means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Nelscott has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials such as wood, stone, and brick are preferred, but other materials such as architectural-grade composite boards, shingles and trim may be used when it is demonstrated that the material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future. (Ord. 2008-18 § 4(1)(A))~~

~~17.34.020 Nelscott district. overlay zones.~~

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

~~A. Nelscott Business District (NBD). The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott commercial core along Highway 101 and to concentrate the businesses in a pedestrian-friendly manner. The emphasis in this subdistrict is on providing retail, commercial, and personal services for the neighboring residents and visitors.~~

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

~~C. Nelscott Beachside Mixed Use (NBMU). The intent of this zoning subdistrict is to provide for a variety of small-scale beach-oriented commercial and residential uses in a family-friendly environment.~~

~~17.34.030 Applicability of municipal code regulations.~~

~~A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the NP district.~~

~~B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply~~

only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.

C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.

D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City Municipal Code regulations, the provisions of this chapter shall apply.

E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations, except, however, that a nonconforming residence that is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction may be rebuilt within the same footprint. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to the NP regulations.

17.34.040 Administration of design standards.

A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:

1. The applicant has requested an adjustment or modification to one or more Nelscott code standard(s), as provided in subsection (C) of this section; or
2. The applicant requests a hearing; or
3. The planning director determines that the size or scale of the development (relative to its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.

1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.
2. Standards use the words "shall" or "must" and are mandatory.

~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~

~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~

~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~

~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~

~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.~~

~~C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~

~~1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or~~

~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each standard in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from the city's urban renewal program. These "incentives" are in addition to the "adjustments" provided in subsection (C) of this section. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~

~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments in the NBD and NBMU subdistricts.~~

~~2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with physical beach access are preferred over those that provide only visual access or no access at all. Nonoceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Design elements that show special attention to the Nelscott climate, such as innovative rain protection features, wind protection features, and solar exposure features, are encouraged. Projects going beyond basic wind and rain protection and taking advantage of solar exposure are preferred over projects that do not.~~

~~5. Sustainability. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~6. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should incorporate a tower or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation as well as their ocean-fronting elevation.~~

~~7. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing~~

~~authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years.~~

~~17.34.050 Permitted uses.~~

~~Table 17.34.050.A. identifies the land uses allowed in the each of the three Nelscott subdistricts. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.~~

~~Table 17.34.050.A Land Uses Allowed in Nelscott~~

~~Uses~~	~~Status of Use in District~~		
~~Use Categories~~	~~Business District~~	~~Cottage Residential~~	~~Beachside Mixed Use~~
~~Residential Categories~~			
~~Single-unit dwelling~~	~~P~~	~~P~~	~~P~~
~~Attached single-unit dwelling~~	~~P~~	~~N~~	~~P~~
~~Duplex or two-family dwelling (when developed on a minimum 7,000-square-foot lot)~~	~~P~~	~~P~~	~~P~~ P
~~Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to compliance with design guidelines~~	~~P~~	~~P~~	~~P~~ P
~~Multi-family dwellings~~	~~P~~	~~N~~	~~P~~ P
~~Mixed use~~ ~~– dwelling(s) above or abutting a ground floor commercial use~~ ~~– dwelling(s) below a ground floor commercial use fronting on Highway 101~~	~~P~~ ~~N~~	~~N~~ ~~N~~	~~P~~ P ~~P~~ P
~~Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250~~		~~P~~	
~~Commercial Categories~~			

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities) – lawfully existing as of June 1, 2008 – new or expanded use	P N	N N	N N
Walk-up windows, ATMs, similar uses/facilities	P	N	P
Bed and breakfast inn, subject to the provisions of LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	P	N	P
Overnight accommodations, except bed and breakfast inns	P	N	P
Offices	P	N	P
Outdoor recreation, commercial	CU	N	CU
Surface parking lot, except for public facilities and parking as an accessory use	CU	CU	CU
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	N	P
Retail sales and service, greater than 60,000 square feet	N	N	N
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P
Industrial Categories			
Industrial service, excluding drive-up	CU	N	N

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
– fully enclosed (e.g., office) – not enclosed	N	N	N
Manufacturing and production in conjunction with an allowed commercial use – fully enclosed – not enclosed	 CU N	 N N	 N N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales – fully enclosed – not enclosed	 CU N	 N N	 N N
Institutional Categories			
Basic utilities	P	P	P
Colleges	CU	N	N
Government use	P	CU	CU
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	CU	CU	CU
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses	CU	N	N
Parks and open space – pedestrian amenities – parks and recreation facilities – other open space	 P P P	 P P P	 P P P
Places of worship[1]	CU	CU	CU
Schools	CU	CU	CU
Other Categories			
Accessory structures	P	P	P
Community gardens and market gardens not larger than 12,500 square	P	P	P

Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
feet, subject to the provisions of LCMC 17.80.080			
Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P	P	P
Radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas	CU	CU	CU
Stand-alone wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Transportation facilities (operation, maintenance, preservation and construction in accordance with the city's transportation system plan)	P	P	P

1. Together with accessory uses as specified in LCMC 17.80.160.

17.34.060 General development standards.

Except as modified through the procedures in LCMC 17.34.040 (C) and (D), the development standards in Table 17.34.060.B apply to all Nelscott uses and development.

Table 17.34.060-B Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, setback and coverage standards			
– Detached single-unit dwelling	3,750 sq. ft.	3,750 sq. ft.	3,750 sq. ft.
– Attached single-unit dwelling	3,750 sq. ft.	Not applicable	3,750 sq. ft.
– Other structures	3,750 sq. ft.	3,750 sq. ft.	3,750 sq. ft.

Standard	Business District	Cottage Residential	Beachside Mixed Use
Maximum Dwelling Unit Density – Single-unit dwelling and Duplex – Multi-unit dwelling[1]	One unit per 3,750 sq. ft. Two units per 7,000 sq. ft. As in R-M zone (high density)	One dwelling unit per 3,750 sq. ft. Two units per 7,000 sq. ft Not applicable	One dwelling unit per 3,750 sq. ft. Two units per 7,000 sq. ft As in R-M zone (high density)
Minimum Lot Width	50 ft.	35 ft.	50 ft.
Minimum Lot Depth	50 ft.	50 ft.	50 ft.
Building /Structure Height Maximum height (see exception in LCMC 17.34.090(B)(2)(a) Minimum Height	45 ft. 18 ft.	35 ft. None	35 ft. None
Fences, retaining /garden walls Max. height – Front and street yards Max height – Interior side and rear yards	3.5 ft. 6 ft.	3.5 ft. 6 ft.	3.5 ft. 6ft. except as may be prohibited in coastal zone
Building Coverage Maximum building coverage (footprint of building including projections such as balconies, cantilevers, etc)	90%	35%[2]	80%
Min. Landscape Area (% site area), except does not apply to single-family dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-family and duplex	10%.	10% (may be reduced to 5% where at least one significant pine is preserved on site, subject to site plan review)	10% (may be reduced to 5% where at least one significant pine is preserved on site, subject to site plan review)

Standard	Business District	Cottage Residential	Beachside Mixed Use
development is subject to landscaping standards in LCMC 17.52.100.			
Minimum Setbacks *feet) (See also LCMC 17.34.090.(B)(2)(h)(ii), Height Step-Back) Front, street, side, and rear property lines, except garage or carport, and subject to building code Garage/carport entrance setback from street Alley or walkway, Building setback from alley or walkway	0 ft., except as required for utility easements; single-unit dwellings) subject to NCR standards 20 ft. 5 ft.	5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, 20 ft. 5 ft.	10 ft.; single-unit dwellings (detached or attached) subject to NCR standards 20 ft. Not applicable
Build-To Line (feet): New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may also be increased through site plan review when pedestrian amenities are provided between a primary building entrance and the street right-of-way	10 ft.	Not applicable	Not applicable
Special setback for planned street improvements	30 feet from the street centerline where the ultimate right-of-way width is	30 feet from the street centerline where the ultimate right-of-way width is	30 feet from the street centerline where the ultimate right-of-way width is

Standard	Business District	Cottage Residential	Beachside Mixed Use
	60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.	60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.	60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.

Article III. Nelscott Design Standards

17.34.070 Purpose.

The Nelscott design standards are intended to implement the vision for Nelscott, specifically to help ensure that new buildings and rehabilitated existing buildings convey an image consistent with local history and the Oregon coastal environment. The standards reflect the following values and objectives:

• Retain Nelscott's compact, walkable character and the traditional small-scale commercial development in the Highway 101 commercial area;

• Promote the formation of pedestrian-friendly facilities and structures;

• Encourage architectural variety, consistent with the eclectic character of Nelscott; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building;

• Encourage the use of contextually appropriate materials, textures and colors;

• Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district;

• Break down large building masses and provide visual interest along the street;

• Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and facade elements;

• Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 § 4(3)(A))

17.34.080 Block layout.

A. Intent. New development and redevelopment projects should reinforce the historic street grid of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside such buildings. Parking should be provided on-street where shoulders are approved to accommodate parking spaces or bays. By maintaining the integrity of Nelscott's historic form, land is

~~used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.~~

~~B. Standards.~~

~~1. Rights-of-Way.~~

~~a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve abutting streets and walkways.~~

~~b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that the development will improve the pedestrian environment.~~

~~2. Street Access.~~

~~a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT may require vehicle access be provided from side streets, and existing highway approaches be consolidated as a condition of development approval.~~

~~b. The alignment of streets and walkways shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of a walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in width (consistent with the existing width of the walkway), subject to site plan review.~~

~~c. Walkways shall be contained in a public right-of-way or public access easement improved to city standards.~~

~~3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))~~

~~17.34.090 Buildings and structures.~~

~~A. Single-Family Dwellings and Duplexes.~~

~~1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure that new buildings and rehabilitated dwellings convey an image consistent with local history and the Oregon coastal environment. Clear and basic building forms and quality design details are preferred.~~

~~2. Incentives.~~

~~a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines below is eligible for an accessory dwelling unit.~~

~~b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is eligible for increased building coverage of 10 percent. For example, if a dwelling would be allowed 35 percent building coverage without compliance, with compliance it would be entitled to 45 percent building coverage.~~

~~3. Guidelines.~~

~~a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim that enrich the visual quality of the community. High quality architectural embellishments are encouraged.~~

~~b. Facades. The facades are the fronts of the dwellings and convey the relationship of the building to the street and neighborhood. They include windows, doors, shutters, awnings, molding, porches, steps, stoops, and other design elements arranged to convey the character of the building. One- to two-story homes are encouraged. Porches are common in Nelscott and should be provided unless the configuration of the lot precludes it. High-quality exterior woodwork and attention to detail elements is encouraged. Garage entrances should not be a part of the primary building facade.~~

~~c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should include chimneys as design elements.~~

~~d. Texture and Materials. In Nelscott many homes use textures and materials that relate to elements of the local natural environment, such as river rock chimneys, wood shingled siding, brick, and exposed aggregate paving. Dwellings should make use of high-quality natural materials and should be sided with historic wood materials such as shingles, clapboard, bevel siding, or board-and-batten. Foundations should be faced with rock.~~

~~e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting, walkways and other hard surface gathering areas. Landscape materials add value to homes by enhancing the outdoor space and relate to the architecture of the building and surrounding areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials should predominately incorporate native materials such as wood and rock and hardy native plantings. The front yard should consist primarily of landscaping, and should not be dominated by paved parking areas.~~

~~B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed Use District.~~

~~1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an iconic element of Nelscott's image. Commercial development and redevelopment along the highway should continue the pattern established in the existing Nelscott Strip. Therefore building design standards for the business district draw on the design elements characterizing the strip while allowing for design variety. In the Beachside mixed use area, the building design standards draw on the cottage-scale development that exists there now. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base.~~

~~The key elements of the building design standards are:~~

~~• Eclectic coastal architecture, including commercial and mixed use development;~~

~~• Building height and articulated facades that create a sense of street enclosure at a human scale;~~

~~• Contextually appropriate materials, textures and colors;~~

~~• Storefront character (windows, pedestrian shelter, furnishings, etc.);~~
~~• Adaptable building styles that comfortably accommodate commercial and mixed land uses;~~
~~• A diversity of building facades and rooflines that fall into a consistent rhythm;~~
~~• Corner lots as focal points with vertical elements, furnishings and public art.~~
~~2. Standards.~~
~~a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed height may be allowed through site plan review. To the extent they are permitted, building stories and projections exceeding 35 feet in height must be recessed behind the next lower building stories by not less than 10 feet, unless a lesser recess is allowed through site plan review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of this section.~~
~~b. Building Form.~~
~~i. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper stories generally are accommodated within gables and dormers (either gable or shed). New buildings should reflect the predominant form while expressing individuality, for example with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.~~
~~ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(2)(c) of this section.~~
~~iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area, usually incorporating front-facing dormers, and this form shall be followed on new buildings. Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Nelscott forms are prohibited.~~
~~c. Storefront Character.~~
~~i. Fenestration (Windows and Doors).~~
~~(A) Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to~~

~~multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~(B) Standard. Consistent with the desired storefront character, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces and on elevations containing a primary entrance.~~

~~d. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

~~e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or walkway. All primary entrances shall be covered for a depth of not less than five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.~~

~~f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section and LCMC 17.34.100, Streetscapes.)~~

~~g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the impression of being individual, small-scale structures. This may be accomplished by providing a minimum six-foot separation between individual buildings, by a significant change in roofline combined with changes in cladding material and recessed entryways at the point of change, or by other means approved by the reviewing authority. Building separations shall contribute positively to the pedestrian environment, for example by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~h. Building Mass.~~

~~i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Nelscott. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts.~~

~~ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of 10 feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (A) of this section. The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of this section. Any projection exceeding 45 feet shall not contain habitable floor space.~~

~~iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt courses, or similar detailing, materials and/or fenestration.~~

~~i. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~j. Openings.~~

~~i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged.~~

~~ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows.~~

~~iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such items shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s) or sidelights beside the door.~~

~~v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.34.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.34.110, Pedestrian spaces.)~~

~~vii. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~k. Horizontal Rhythms.~~

~~i. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot-line elevation to reduce the apparent scale and avoid blank walls, i.e., until an abutting property develops.~~

~~ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy lines, belt courses between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines.~~

~~iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs).~~

~~l. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.~~

~~m. Materials and Color.~~

~~i. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and Substitute Materials.~~

~~ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this section may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

~~iv. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front~~

~~elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in muted or earth tones to minimize glare.~~

~~v. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~vi. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~n. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, walkway, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~Exception: The reviewing authority may reduce the minimum shelter depth upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.~~

~~o. Mechanical Equipment.~~

~~i. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, private antennas, private satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to a walkway, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~ii. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.~~

~~iii. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(C))~~

~~17.34.100 Streetscapes.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. The Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.34.080, Block layout, and 17.34.110, Pedestrian spaces. When streetscape improvements are required of new development, such improvements shall conform to the TSP.~~

~~2. Local Streets. LCMC 17.34.080 provides standards for local street improvements.~~

~~3. Pedestrian Amenities. LCMC 17.34.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord. 2008-18 § 4(3)(D))~~

~~17.34.110 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Nelscott require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Nelscott. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments (but including mixed use developments), shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent percent requirement. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))~~

~~17.34.120 Off-street parking and circulation.~~

~~A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with Chapter 17.56 LCMC except as provided below.~~

~~B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply to all new development:~~

~~1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a parcel and that are located in a public street may be counted toward the required parking for commercial development on that parcel. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces for commercial or mixed uses.~~

~~3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial component of any mixed use building within 400 feet of a public parking facility; all other uses shall conform to the minimum parking standards of the municipal code except that required off-street parking spaces may be located on another parcel not more than 400 feet from the parcel they are intended to serve. Where new surface parking is planned, it shall be limited to parallel on-street parking spaces, parking bays abutting the street, and/or parking areas located behind or to the side of a building.~~

~~4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and 24 square feet in area. Additionally, where a parking area or access drive abuts a street or pedestrian access way, a landscape screen of not less than four feet in width and four feet in height shall be provided. Alternatively, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning commission may allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the standard; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way.~~

~~5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots should allow for conversion of such lots to structured parking in the future. Site plans should also allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop. Where a proposed project would construct underground parking, the review authority may adjust building coverage, setbacks, or other development standards to facilitate provision of public-private parking spaces.~~

~~6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment.~~

~~7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Highway 101.~~

~~8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to accommodate the number of parking spaces required by LCMC 17.80.050, need only provide the number of parking spaces that, as determined by the~~

~~planning and community development director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))~~

~~17.34.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))~~

~~17.34.140 Landscaping.~~

~~A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from~~

~~public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City tree planting guide and list of recommended species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two inch caliper at time of planting.~~

~~g. When tree mitigation is required the number of mitigation trees required shall be equal to at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least a three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

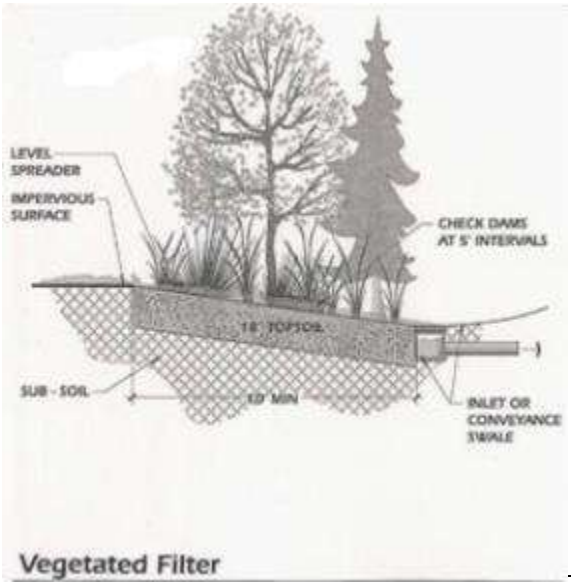
~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

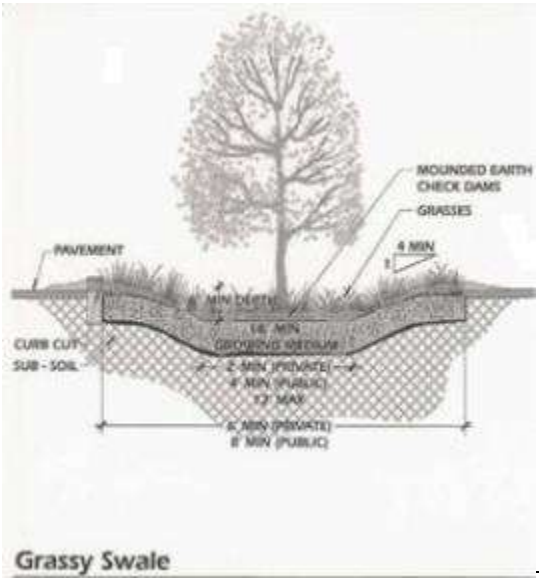
~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.34.120.~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking~~

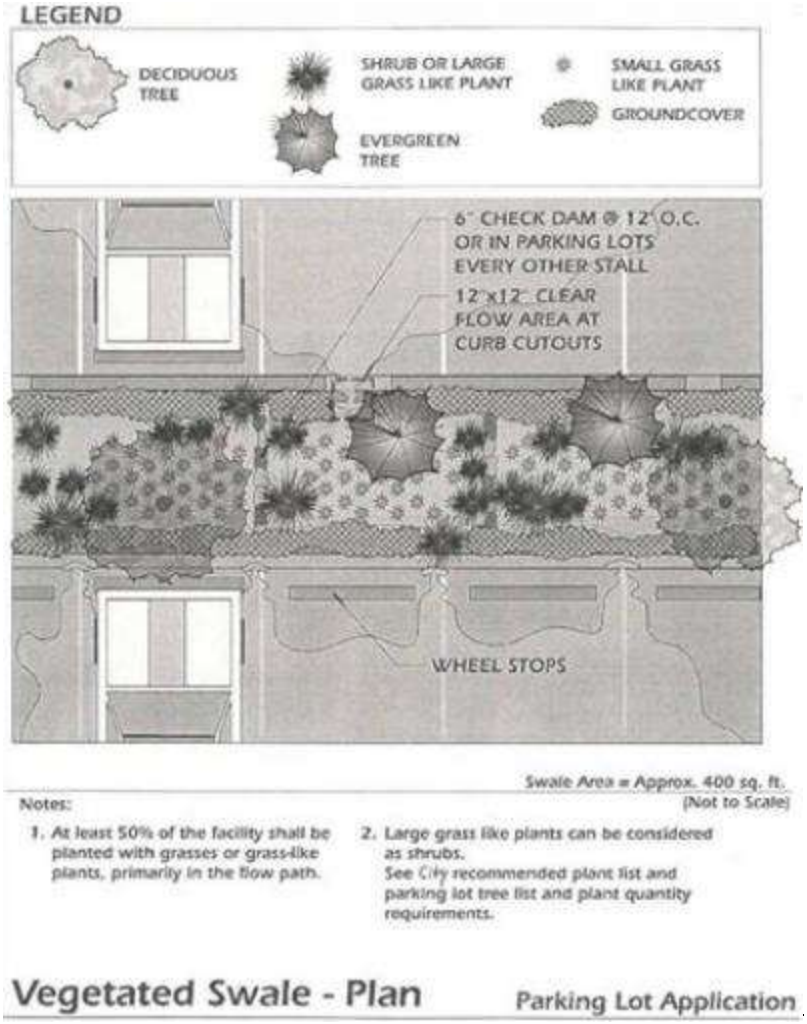
~~areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.34.140.)~~



Vegetated Filter



Grassy Swale



~~Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.~~

~~(Ord. 2008-18 § 4(3)(H))~~

~~17.34.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Nelscott should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale" are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development~~

~~application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within "frames" created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than six building-mounted signs totaling not more than 48 square feet.~~

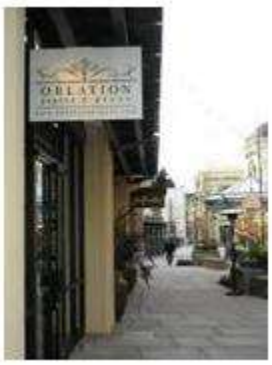
~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the ordinance codified in this chapter, are prohibited. See also LCMC 17.34.160, Exterior lighting.~~



~~**Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood cutout, hanging sign).**~~

~~**(Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(I))**~~

~~**17.34.160 Exterior lighting.**~~

~~**A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Nelscott should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas.**~~

~~**B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this chapter are allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.**~~

~~**1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High-pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may also be used.**~~

~~**a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one to two foot-candles for such areas is required.**~~

~~**b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)**~~

~~**c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of a historic style are encouraged.**~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~

~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with the standards set out in subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.~~

~~**Figure 17.34.160: Examples of acceptable lights.**~~

SECTION 7. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core (TVC) Zone*), is hereby amended as follows:

Chapter 17.45
TAFT VILLAGE CORE (TVC) ZONE

Sections:

17.45.010 Purpose.
17.45.020 Permitted Uses.
17.45.030 [Reserved].
17.45.040 [Reserved].
17.45.050 Site development standards
17.45.060 Landscaping.
17.45.070 Signs.
17.45.080 Supplemental Regulations and Exceptions.
17.45.090 Off-Street parking and loading.
17.45.100 Design Standards.
17.45.110 Restrictions.
17.45.120 Conflicts.

17.45.010 Purpose.

The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.

17.45.020 Permitted uses.

Table 17.45.020.1 identifies the land uses allowed in TVC. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.45.020-1 Land Uses Allowed in TVC

Uses	Status of Use
A. Administrative and Professional Offices	
Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate.	**P**
B. Automotive Related Uses	
Commercial establishments which provide parts, repair and service for motor vehicles:	
1. Auto parts/supplies sales – No installations	**P**
2. Auto parts/supplies sales – With installations	**N**
3. Car washes	**N**
4. Fuel/service stations	**N**
5. Vehicle (car, RV and truck) sales/leasing	**N**
C. Boarding and Lodging Facilities[1]	
Commercial establishments which provide boarding and lodging facilities:	
1. Bed and breakfast accommodations	**P**
2. Condominiums with 10 units or less and with nightly rentals[2]	**C**
3. Hotels/motels with 10 units or less	**P**
4. Recreational vehicle parks	**N**
5. Time-share units	**C**
6. Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	**P**
D. Eating/Drinking Establishments	
Commercial establishments which serve prepared food or beverages for consumption on or off the premises:	
1. Night clubs/bars/lounges/micro-brew pubs	**P**

Uses	Status of Use
2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.)	P
3. Restaurants – with drive-throughs	N
4. Restaurants – with walk-up windows (with or without seating)	P
5. Sidewalk cafes	C
6. Wine tasting	P
E. Entertainment/Recreation Establishments	
Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.	
1. Auditoriums, convention centers, movie theaters, museums	C
2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)	C
3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)	C
F. Financial	
Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.	
1. Financial land use, with no ATMs	P
2. Financial land use, with interior ATMs	P
3. Financial land use, with exterior ATMs	C
4. Interior ATMs, as an accessory to another permitted or conditionally permitted use	C
5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use	N
G. Mixed Use	
Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.	P
H. Personal Service	

Uses	Status of Use
Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage.	P
I. Residential	
1. Single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	P
2. Attached single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC	P
3. Duplexes, subject to the provisions of Chapter 17.16 LCMC	P
5. Multi-unit dwellings, subject to the provisions of Chapter 17.20 LCMC and Chapter 17.74. LCMC	P
6. Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P
7. Manufactured homes, subject to the provisions of LCMC 17.52.250	P
8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P
J. Retail Commercial	
Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses.	P
Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.	P
K. Service Commercial	
Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only).	P
L. Other Uses	
1. Ambulance service	C
2. Art gallery and studio	P
3. Places of worship[3]	C
4. Clubs, lodges, meeting halls	C
5. Home occupations	P

Uses	Status of Use
6. Handicraft-type industries with on-site sales (i.e., crafts, saddles)	P
7. Parks/playgrounds/community gardens	C
8. Police/fire facilities	C
9. Public facilities/public parking lots	P
10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010	C
11. Public utility or utility substation	C
12. Essential emergency communications, early warning and associated emergency facilities	P
13. Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of standards of LCMC 17.80.080	P
14. Animals and gardens, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P
15. Transportation uses	P
16. Docks, subject to the provisions of LCMC 17.44.040	C

1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

3 Together with accessory uses as specified in LCMC 17.80.160.

17.45.030 [Reserved].

17.45.040 [Reserved].

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

A. Development standards for single-unit residential uses shall be in accordance with Chapter 17.16 LCMC.

B. Development standards for multi-unit residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200).

D. Minimum setbacks are zero feet and maximum setbacks are 10 feet.

E. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

F. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.

G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

H. Outdoor Sales. All commercial uses, including repair, service and storage, shall be conducted within a completely enclosed building or be completely screened from view from off the subject site, except that the outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries, beach equipment shops, kite shops, and similar specialty and craft businesses is permitted in the TVC zone subject to the following provisions:

1. Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of sixty inches is maintained clear of any obstructions and the city grants a right-of-way incursion permit;

2. No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this title;

3. The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business; and

4. Only merchandise normally available at the associated business may be displayed outdoors.

I. Sidewalk Cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Taft and are encouraged. The purpose of this subsection is to set out the conditions and requirements under which a sidewalk cafe may be permitted to operate on a public sidewalk within the TVC zone.

1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in accordance with Chapter 17.60 LCMC.

2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a separate permit for sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-way.

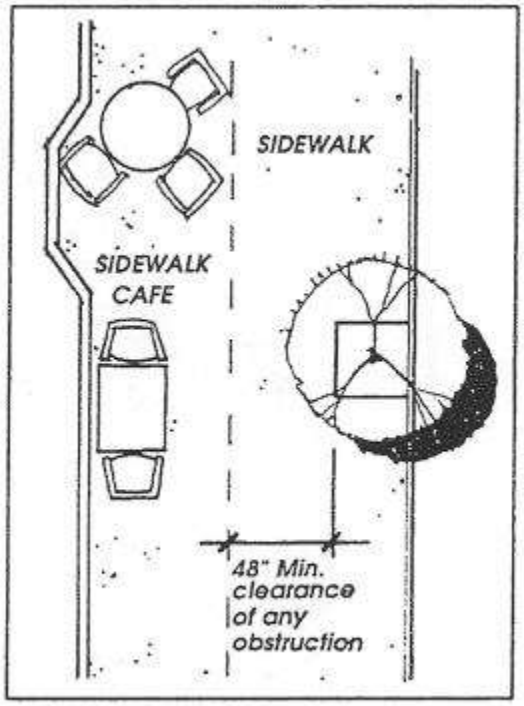
3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to the sidewalk cafe being situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.

a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the cafe;

provided, that the area in which the sidewalk cafe is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.

b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location on the sidewalk.

c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe, consistent with the Americans with Disabilities Act. There shall be a minimum 60-inch clear distance free of all obstructions, in order to allow adequate pedestrian movement.



d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a conditional use permit.

e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except for the name of the establishment on an awning or umbrella valance.

f. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen.

g. The service of beer or wine, or both, must be solely for on-premises consumption by customers and must be expressly authorized as part of a conditional use permit approval.

h. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the planning director, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.

i. Outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. All exterior surfaces within the cafe shall be easily cleaned and shall be kept clean at all times by the permittee.

j. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.

k. Hours of operation shall be no greater than those of the indoor restaurant or delicatessen.

l. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the city will prohibit the operation of the sidewalk cafe.

m. No off-street parking is required for a sidewalk cafe.

17.45.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.45.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.45.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.45.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.45.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.45.110 Restrictions. No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.

17.45.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.45**~~
~~**TAFT VILLAGE CORE (TVC) ZONE**~~
~~**Sections:**~~
~~**17.45.010 Purpose.**~~
~~**17.45.020 Application.**~~
~~**17.45.030 Definitions.**~~
~~**17.45.040 Land use activities.**~~
~~**17.45.050 Site development standards.**~~
~~**17.45.060 General preferences, requirements and standards.**~~
~~**17.45.070 Signs.**~~
~~**17.45.080 Parking.**~~
~~**17.45.090 Development incentives.**~~
~~**17.45.100 Nonconforming uses and structures.**~~

~~**17.45.010 Purpose.**~~
~~**The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.**

~~**17.45.020 Application.**~~
~~**The TVC zone constitutes the primary zoning provisions (development standards) for the core area of the village of Taft. The requirements of this chapter are in addition to other requirements of this title. If there is a conflict between the regulations provided in other chapters of this title and this chapter, the regulations provided in this chapter shall prevail. Where direction is not provided in this chapter, provisions in other chapters of this title shall prevail.**

~~**17.45.030 Definitions.**~~
~~**For purposes of the TVC zone, the following definitions shall apply:**~~
~~**"Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and financial patrons for conducting transactions including deposits, withdrawals, and fund transfer, without contact with financial institution personnel.**~~
~~**"Building facade" means the entire building front including the parapet.**~~
~~**"Building facade – primary" means the side of a building that faces the street and has a main pedestrian entrance from the street.**~~
~~**"Building footprint" means the ground surface area above which a building, including cantilevered parts of the building, is located.**~~

~~"Building orientation" means the manner in which the building is positioned on a lot and its architectural features relate to surrounding structures, spaces, and landscapes.~~
~~"Development incentives" means discretionary measures provided to applicants of new development by the city of Lincoln City or the urban renewal agency to encourage improvements with a pedestrian orientation.~~
~~"Edge treatment" means the design treatment of the setback between a building facade and an adjacent street.~~
~~"Floor area – gross" means the total area of all floors in a structure, or on a specified level of a structure, as measured from the outside surface of exterior walls or the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.~~
~~"Joint use parking" means the sharing of parking areas by two or more uses, structures, or parcels of land to satisfy parking requirements, reduce the amount of land dedicated to vehicular parking, and increase the amount of land available for new development, plazas, or other uses.~~
~~"Mixed use" means a development that includes a mix of commercial and residential uses that are planned and developed together on the same site or adjoining sites. The mix of uses may occur in the same building or in separate buildings.~~
~~"Monument sign" means a freestanding sign that is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.~~
~~"New development" means any construction, or alteration of an existing structure or land use, or establishment of a land use, after December 31, 2000.~~
~~"Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent existing commercial establishment.~~
~~"Pedestrian orientation" means any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians, including but not limited to:~~
~~1. Street furniture;~~
~~2. Design amenities related to the street level such as awnings, pedestrian connections, colonnades, and arcades;~~
~~3. Visibility into buildings at the street level;~~
~~4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;~~
~~5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;~~
~~6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;~~
~~7. Pedestrian-oriented signs; and~~
~~8. Landscaping.~~
~~"Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented and scaled to the pedestrian rather than the motorist.~~

~~"Plaza" means a public or private area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are pedestrian areas typically provided with amenities such as seating, fountains, art, and landscaping. The paving or surface materials of plazas must comply with Americans with Disabilities Act requirements.~~

~~"Pole sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building and are separated therefrom by a distance of at least six inches.~~

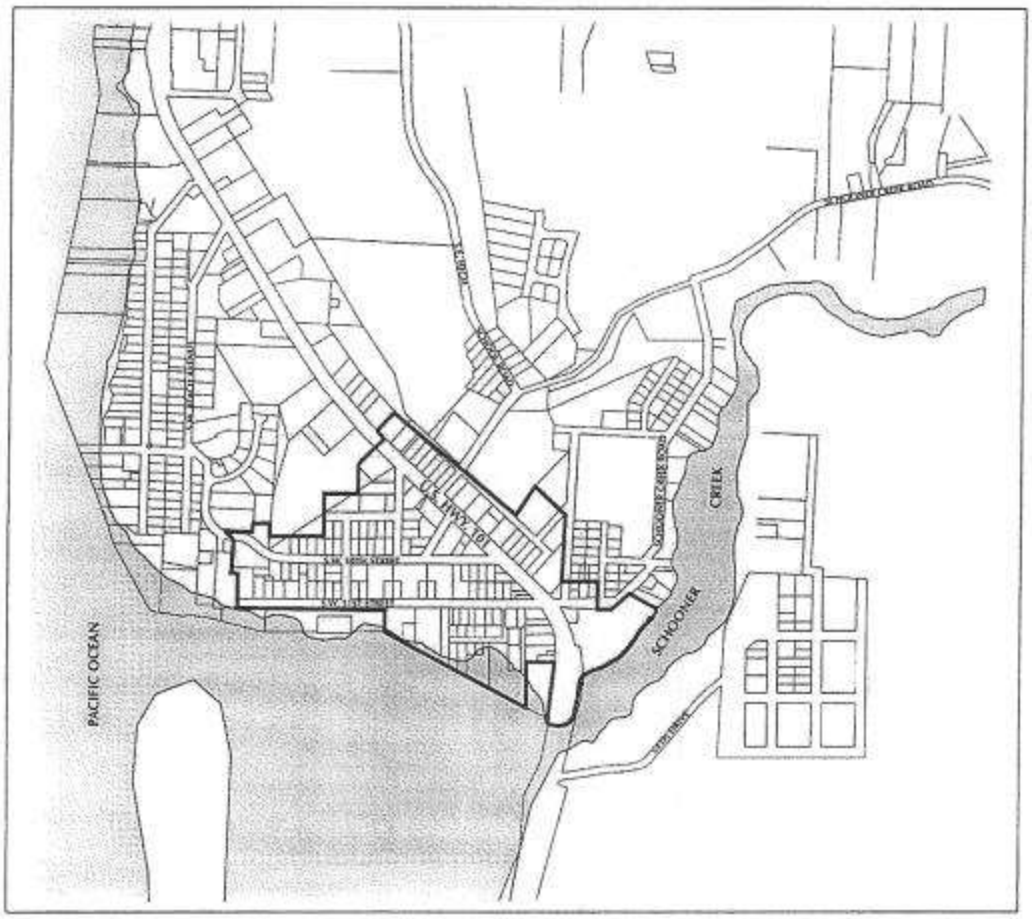
~~"Setback" means the distance by which a structure or parking area must be separated from a lot line or other structure.~~

~~"Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches, plazas, and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.~~

~~"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above or, if there is no floor above, the space between the floor and the ceiling.~~

~~"Structured parking" means a structure established for the short-term storage of operative vehicles for patrons. Structured parking can be constructed as an accessory to another primary use or uses that require the provision of off-street parking.~~

~~"Taft Village core" means the area depicted graphically below and generally defined by the Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet Avenue (east), and the west end of SW 51st Street (west).~~



Taft Village Core

~~17.45.040 Land use activities.~~

~~This section contains a matrix that establishes which land uses are permitted (P), conditionally permitted (C), or expressly prohibited (–) within the TVC zone. A conditionally permitted use requires approval of a use permit by the planning commission in compliance with applicable provisions of Chapter 17.60 LCMC. If a particular use is not listed, the planning director shall be responsible to make a use determination to decide if the proposed use is similar to a listed use. Unless a proposed use is determined to be similar to a listed permitted or conditionally permitted use, it is a prohibited use. A permitted or conditionally permitted use may be subject to site plan review in accordance with LCMC 17.52.240.~~

TVC Land Use Activity	P or C
A. Administrative and Professional Offices	-
Commercial establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice. Examples include accounting, medicine, physical therapy, veterinary with no kennels, engineering, real estate.	P
B. Automotive Related Uses	-
Commercial establishments which provide parts, repair and service for motor vehicles:	-
1. Auto parts/supplies sales – No installations	P
2. Auto parts/supplies sales – With installations	–
3. Car washes	–
4. Fuel/service stations	–
5. Vehicle (car, RV and truck) sales/leasing	–
C. Boarding and Lodging Facilities[1]	-
Commercial establishments which provide boarding and lodging facilities:	-
1. Bed and breakfast accommodations	P
2. Condominiums with 10 units or less and with nightly rentals[2]	C
3. Hotels/motels with 10 units or less	P
4. Recreational vehicle parks	–
5. Time-share units	C
6. Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P
D. Eating/Drinking Establishments	-
Commercial establishments which serve prepared food or beverages for consumption on or off the premises:	-
1. Night clubs/bars/lounges/micro-brew pubs	P
2. Restaurants – without drive-throughs (including cafes, coffee shops, family restaurants, etc.)	P
3. Restaurants – with drive-throughs	–
4. Restaurants – with walk-up windows (with or without seating)	P
5. Sidewalk cafes	C
6. Wine tasting	P

TVC Land Use Activity	P or C
E. Entertainment/Recreation Establishments	-
Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game arcades are limited to five games/machines when located as an auxiliary use in an otherwise permitted use.	-
1. Auditoriums, convention centers, movie theaters, museums	C
2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)	C
3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)	C
F. Financial	-
Commercial establishments that engage in monetary transactions not directly related to the sale of a product/service. Examples include: banks, savings and loan, etc.	-
1. Financial land use, with no ATMs	P
2. Financial land use, with interior ATMs	P
3. Financial land use, with exterior ATMs	C
4. Interior ATMs, as an accessory to another permitted or conditionally permitted use	C
5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use	–
G. Mixed Use	-
Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.	P
H. Personal Service	-
Commercial establishments which provide services of a personal nature. Examples include: barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat, health/athletic clubs, travel agent, therapeutic massage.	P
I. Residential	-
1. Single-family dwellings, in accordance with Chapter 17.16 LCMC	P
2. Attached single-family dwellings, in accordance with LCMC 17.52.260	P
3. Two-family and duplexes, in accordance with Chapter 17.16 LCMC	P
4. Multifamily dwelling units, with edge treatment B, in accordance with R-M zone standards	C
5. Multifamily dwelling units, with edge treatment A or C, in accordance with R-M zone standards	P
6. Accessory dwelling units, in accordance with LCMC 17.45.060 (D)	P

TVC Land Use Activity	P or C
7. Manufactured homes, in accordance with Chapter 17.16 LCMC and LCMC 17.52.250	P
8. Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P
J. Retail Commercial	-
Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples include: packaged food, liquor, grocery, drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-warehouses.	P
Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and subject to the provisions of LCMC 17.80.130.	P
K. Service Commercial	-
Commercial establishments which provide business, repair and miscellaneous services. Examples include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor only).	P
L. Other Uses	-
1. Ambulance service	C
2. Art gallery and studio	P
3. Places of worship[3]	C
4. Clubs, lodges, meeting halls	C
5. Home occupations	P
6. Handicraft-type industries with on-site sales (i.e., crafts, saddles)	P
7. Parks/playgrounds/community gardens	C
8. Police/fire facilities	C
9. Public facilities/public parking lots	P
10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010	C
11. Public utility or utility substation	C
12. Essential emergency communications, early warning and associated emergency facilities	P
13. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080	P
14. Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	P
15. Transportation uses, defined in Chapter 17.08 LCMC	P

TVC Land Use Activity	P or C
16. Docks, subject to the provisions of LCMC 17.44.040	C

1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.
2 A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.
3 Together with accessory uses as specified in LCMC 17.80.160.

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

A. Development standards for single-family residential uses shall be in accordance with Chapter 17.16 LCMC, except as modified in this section.

B. Development standards for multiple-family residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC, except as modified in this section.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200, e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed roofline. Buildings of more than two stories shall be set back on the street sides of each successive story of the building (above the second story) a minimum of 10 feet from the building face of the next immediate lower story.

D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-1 and Figure 17.45.050-A.

E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback from face of curb shall be provided.

F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be provided to the curb line within the existing street right-of-way along street frontages designated for edge treatment A. (Figure 17.45.050-A)

G. Public facilities are exempt from site development standards.

H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.

I. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and condominiums with nightly rentals shall be comprised of eating/drinking establishments, entertainment/recreation establishments, or retail commercial uses.

J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any cause to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction, such lodging facility may be rebuilt with the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.

K. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

Table 17.45.050-1			
	Edge Treatments		
	A – Street Adjacent	B – Semi-Street Adjacent	C – Setback from Street
Description	Street Adjacent – Pedestrian Orientation. This edge treatment requires placing the front elevation or landscaping of new development on the front property line and at the sidewalk edge to create a strong relationship between buildings and the street, excluding architectural projections or other architectural features.	Semi-Street Adjacent – Landscaped Perimeters. This edge treatment requires landscaped setbacks of a minimum five feet between buildings and streets, interrupted only by pedestrian areas, plazas, and sidewalks.	Setback from Street – Limited Parking. This edge treatment requires one bay of parking (one to two rows plus aisle) between the street and new development, with landscaped parkway or street trees accenting the sidewalk edge.
General Areas of Applicability	Highway 101, 51st Street, Fleet Avenue, and portions of local streets. Refer to Figure 17.45.050-A for specific edge condition locations.	Cottage commercial and residential environments. Refer to Figure 17.45.050-A for specific edge condition locations.	Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific edge condition locations.
Key Details	• Avoid setbacks from the sidewalk edge. • Create continuous pedestrian activity in an uninterrupted sequence by minimizing gaps between buildings,	• Create pedestrian connections between buildings. • Use landscaped setbacks to create "outdoor rooms" with plazas and gardens.	• Create pedestrian linkages from the public sidewalk to building perimeter and entries. • Provide vehicular access and pedestrian connections to

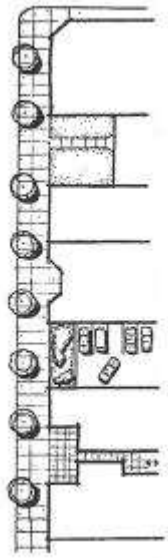
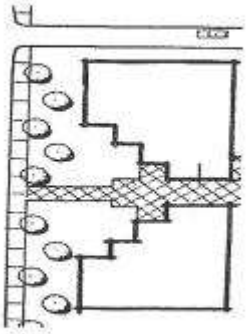
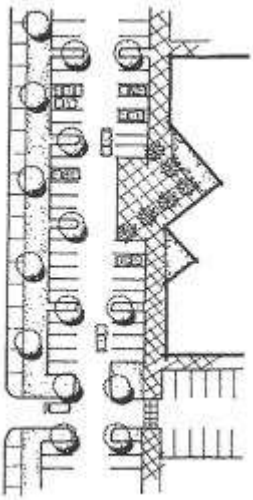
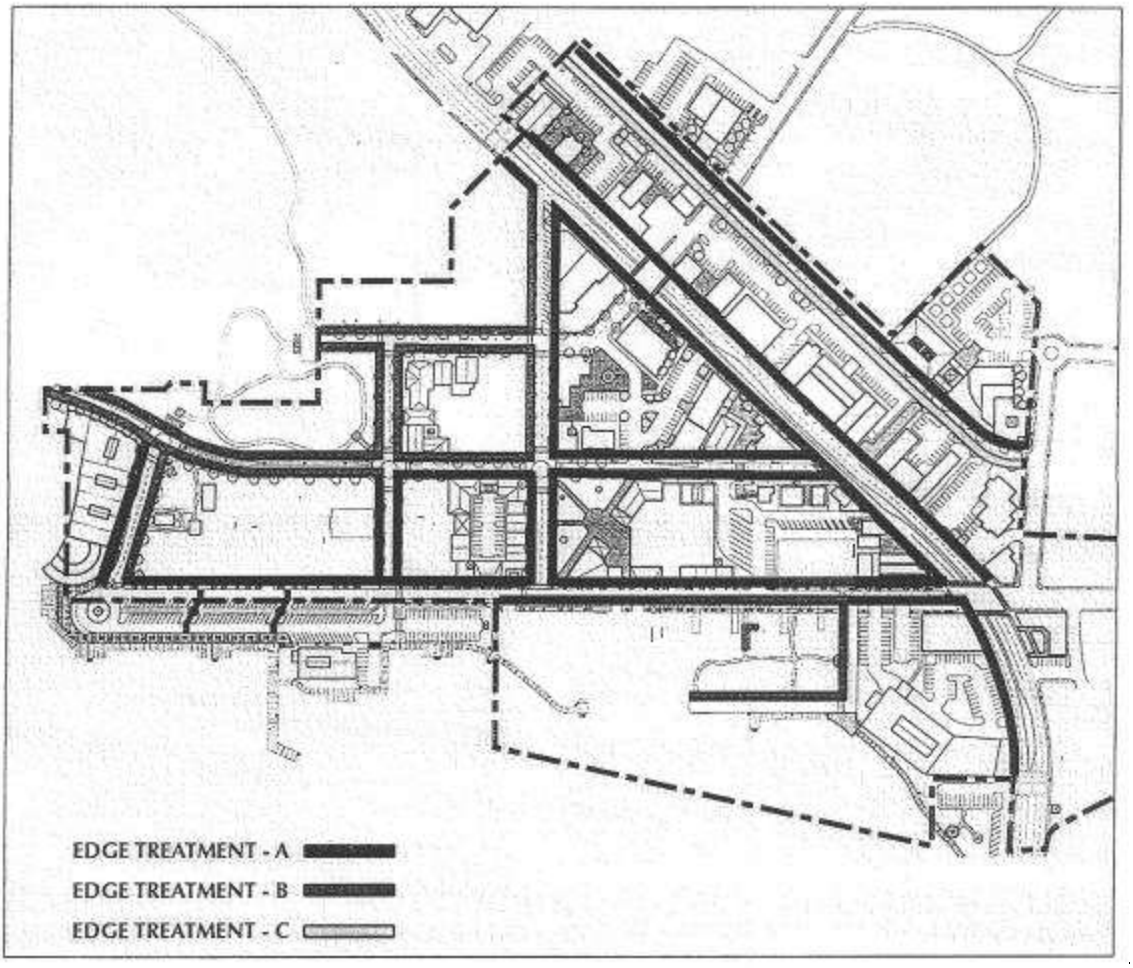
Table 17.45.050-1			
	Edge Treatments		
	A – Street Adjacent	B – Semi-Street Adjacent	C – Setback from Street
	blank walls and parking lots. • Create pedestrian connections to parking lots at the rear or sides of buildings. • Use building indentations to create small pedestrian plazas along the street wall.	• Parking absent from front yards and landscaped setbacks.	adjoining parcels whenever possible. • Provide accent landscaping and enhanced paving at vehicular entries.
Edge Illustration			

Figure 17.45.050-A



~~17.45.060 General preferences, requirements and standards.~~

~~The following general preferences, requirements and standards apply to new development in the TVC zone.~~

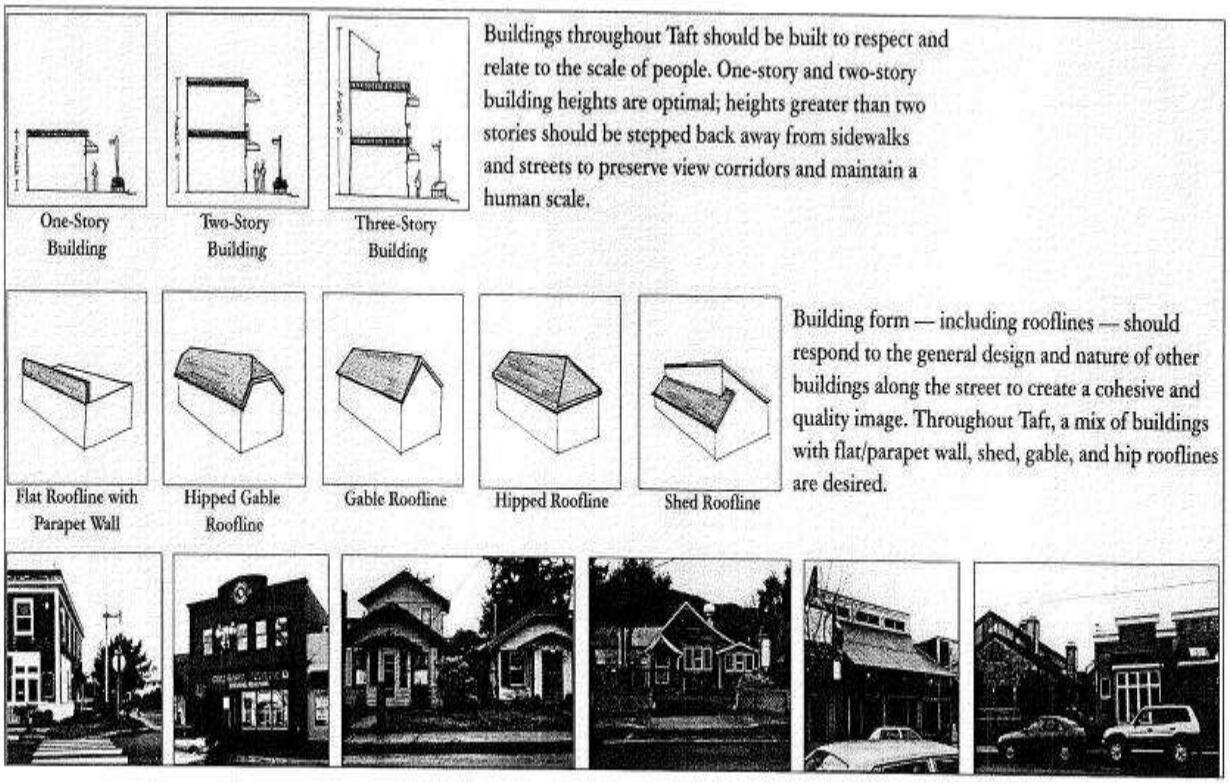
~~A. Preferences. This subsection (A) is intended to promote compatible and enhanced site and building design throughout the village of Taft core area. This process provides a means for property owners to implement both the comprehensive plan and the village of Taft redevelopment plan related to Taft's physical development and to the preservation of its unique character. This subsection (A) is not intended to create standards, approval criteria or legally enforceable requirements.~~

~~In reviewing projects/improvements subject to any approval, the planning director shall refer to appropriate design guidelines in the village of Taft redevelopment plan (or any others that may be adopted by the city) in order to provide guidance to applicants seeking to comply with the requirements of the village of Taft redevelopment plan and the TVC zone.~~

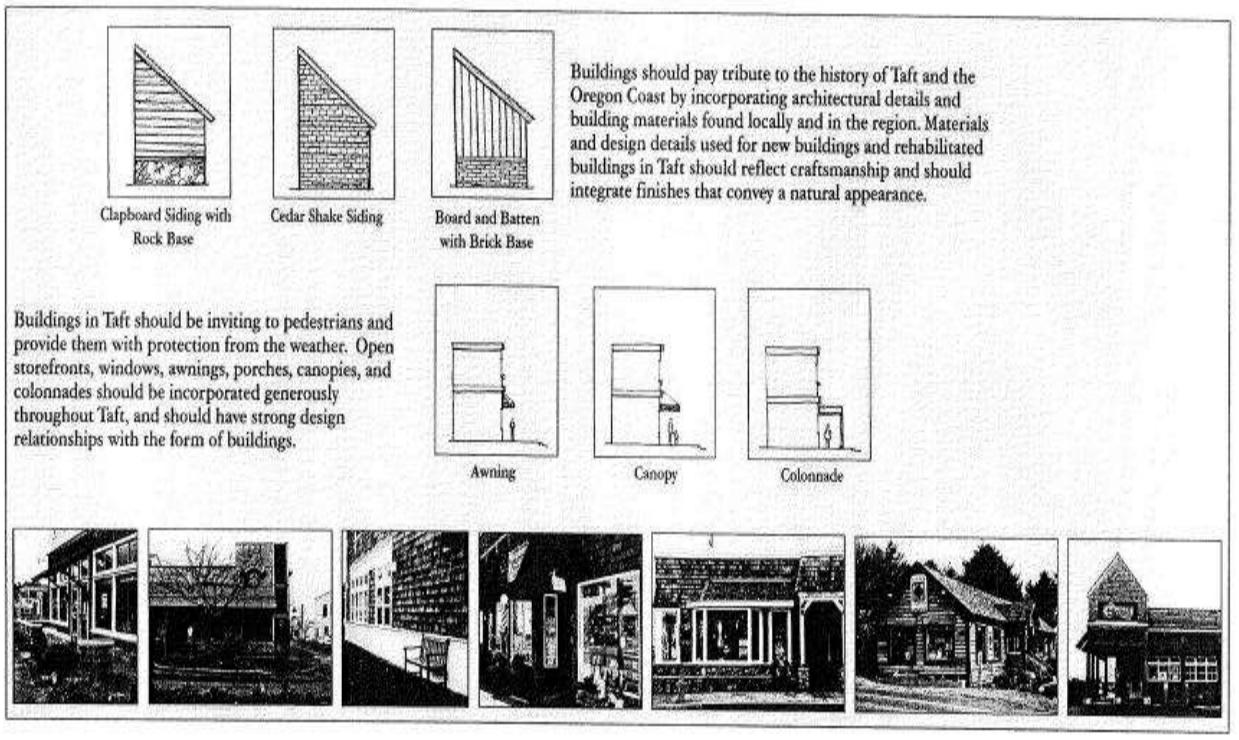
~~The design theme poster contained in Figure 17.45.060-A, Parts I, II, and III, is to be used by property owners, developers, architects, landscape architects and designers in the planning and design of projects in the village of Taft. The design guidance provided by~~

~~**the poster communicates the Lincoln City community and city's desired qualities and characteristics of development and are intended to promote quality design that is compatible with Taft's unique character and its vision for the future.**~~

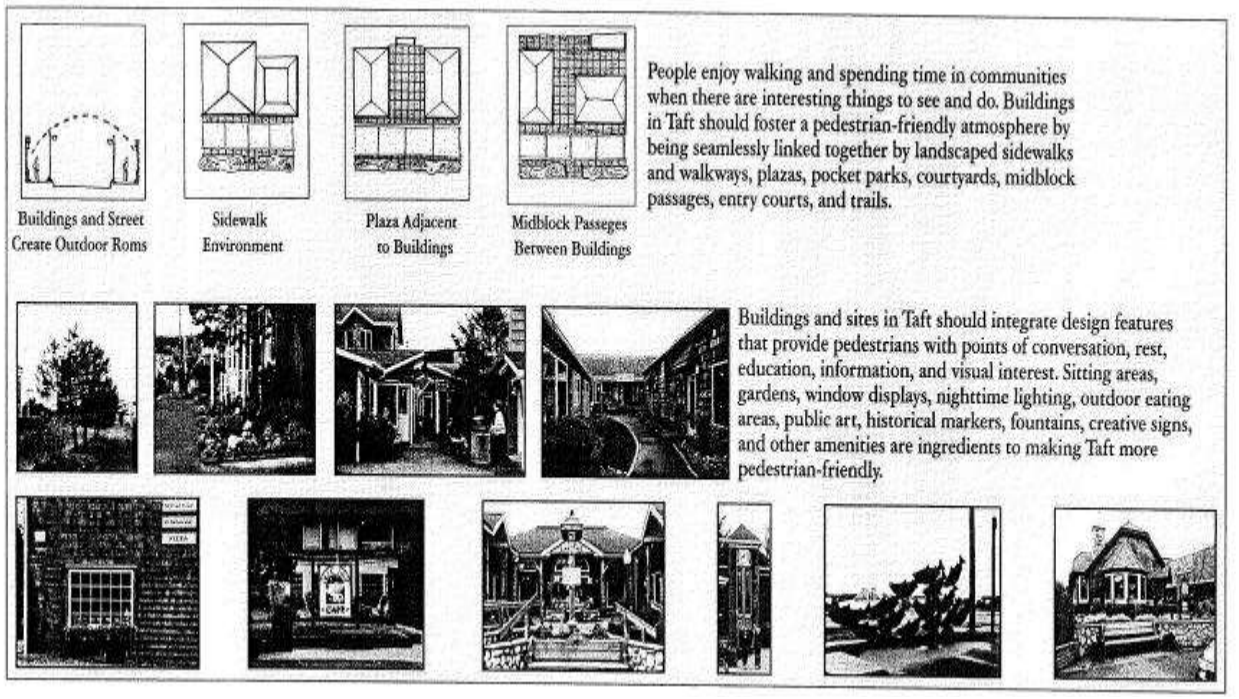
~~**Figure 17.45.060-A, Part I**~~



~~**Figure 17.45.060-A, Part II**~~



~~Figure 17.45.060-A, Part III~~



~~B. New Commercial/Mixed Use. New commercial buildings and mixed use buildings shall comply with the following pedestrian-oriented design standards and location and development criteria:~~

~~1. For building facades that face an abutting street, a minimum of 50 percent of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than 20 feet in length.~~

~~2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building facade. For lots with three or more street frontages, this standard shall apply to two lot frontages.~~

~~3. Residential units must not be located on street level.~~

~~4. Public facilities are exempt from the mixed use requirement.~~

~~C. New Multifamily and Attached Single-Family Residential.~~

~~1. These standards do not apply to mixed use development in which residential uses are located above commercial uses.~~

~~2. Building Orientation. New multifamily and attached single-family dwellings shall meet the following standards:~~

~~a. Each ground floor unit located along a street shall include a covered or recessed entry, or porch, oriented to the street.~~

~~b. Units along a street shall be oriented with building fronts parallel to the street.~~

~~3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front on a street, the following standards shall be met:~~

~~a. Only single-car garage doors are permitted;~~

~~b. Garage doors must be recessed at least three feet behind the front facade.~~

~~D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:~~

~~1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family dwelling on any residential lot that meets the minimum lot size requirement.~~

~~2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.~~

~~3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street parking will be required for an accessory dwelling unit. If such on-street parking is not available, one off-street parking space must be provided on the lot for the accessory dwelling unit in addition to the parking required for the single-family dwelling.~~

~~F. Installation of Public Improvements. Project developers are responsible for providing public improvements in compliance with city standards at the time of development, in accordance with LCMC 17.52.230. For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~

~~G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of this requirement, development shall also include the expansion of existing structures by 50 percent or more of the gross floor area.~~

~~H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a two-and-one-half-foot to three-foot-high screen across the entire parking frontage except for driveways. Landscape screening may include a combination of low~~

~~hedgerow plantings, landscaped berms or low decorative masonry walls. The minimum width of a landscaped area required for screening purposes shall be five feet. In addition, landscaping shall be provided in accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the following exceptions:~~

~~1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping requirement.~~

~~2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet, where a primary building front is located adjacent to the right-of-way or adjacent to a pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface lot is not provided.~~

~~3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50 percent reduction of landscaping requirements.~~

~~4. Street trees and landscaping located in public right-of-way are exempted from the provisions of LCMC 17.52.100.~~

~~I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment, transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screening in a manner that is architecturally integrated with the main structure. Plantings may be used to screen mechanical equipment at ground level; provided, that the plantings achieve full screening upon installation.~~

~~J. Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.~~

~~17.45.070 Signs.~~

~~Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC, except that:~~

~~A. Freestanding pole signs and internally illuminated signs are prohibited.~~

~~B. Sign Area.~~

~~1. Attached Signs. The total cumulative square footage allowable for attached signs per commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of attached signs.~~

~~2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per commercial establishment in the TVC zone is 32 square feet. The maximum number of freestanding signs is one per lot. The maximum height is six feet.~~

~~C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.~~

~~D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs include: window signs, small wall-mounted or projecting signs located not~~

~~more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of seven and one-half feet of clearance.~~

~~17.45.080 Parking.~~

~~Off-street parking and loading for uses within the TVC zone shall be provided in accordance with Chapter 17.56 LCMC with the following modifications:~~

~~A. Number of Parking Spaces.~~

~~1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any commercial or mixed use building.~~

~~2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC zone must have one and one-half spaces per dwelling unit.~~

~~3. Any other uses must provide the number of spaces required by LCMC 17.56.050.~~

~~B. Location of Parking.~~

~~1. All Properties. Except for one-family and two-family dwellings, new surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. Paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel.~~

~~2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward the required number of parking spaces.))~~

~~17.45.090 Development incentives.~~

~~In order to achieve the type and quality of development and revitalization envisioned for Taft, certain development incentives may be allowed to encourage developers and property owners to participate in the various programs described below. Incentive bonuses may be granted at the discretion of the planning director and nothing contained herein shall obligate the planning director to provide any of the following bonuses or give an applicant any right to any of the following bonuses.~~

~~A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the provision of pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and vitality to bayside environment.~~

~~1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas or weather protection, the following development bonuses may be available:~~

~~a. Required parking may be reduced by 10 percent; provided, that a finding can be made that adequate parking will be available to the project.~~

~~b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a finding can be made that the increased sign area does not detract from the beautification and pedestrian-oriented objectives for Taft.~~

~~c. Through the development agreement process, the planning director may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility connection fees. The extent of such bonuses may vary on a case-by-case basis between the project applicant and the planning director.~~

~~**For projects meeting all three requirements (pedestrian linkage, public plazas and weather protection) the above development bonuses plus up to one additional dwelling unit for each 5,000 square feet of lot size may be available.**~~

~~**2. Requirements for Incentive Bonuses.**~~

~~**a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project must meet all of the following requirements, unless otherwise determined by the planning director:**~~

~~**i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.**~~

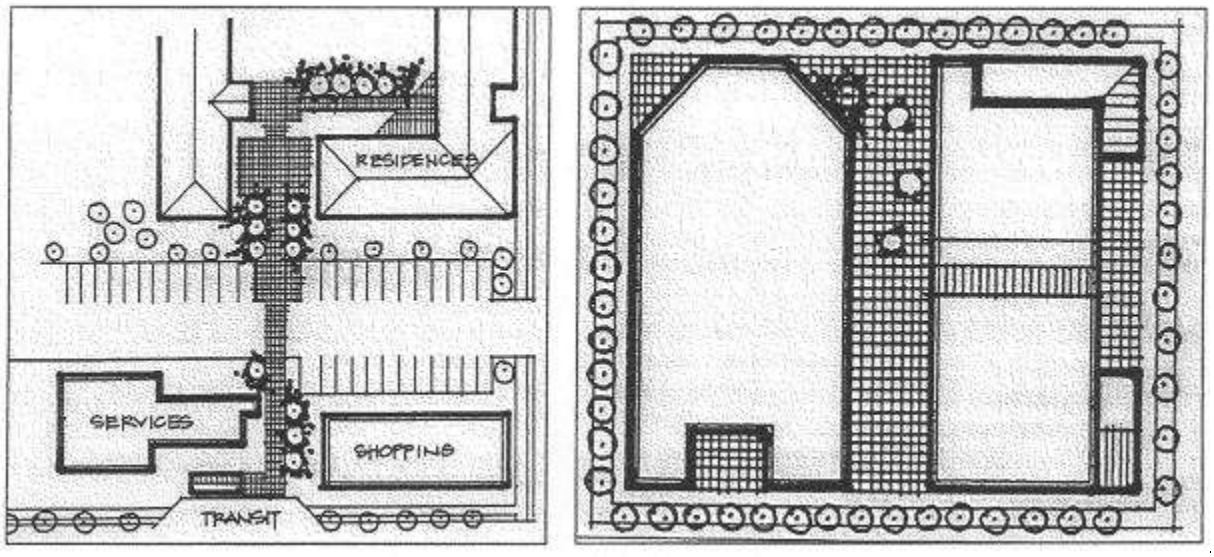
~~**ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.**~~

~~**iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is deemed that a ground floor business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one display window per business shall be provided facing onto the pathway or linkage.**~~

~~**iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, attractiveness, and convenience.**~~

~~**v. The property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.**~~

~~**Pedestrian Linkages**~~



~~**b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must meet all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.**~~

~~i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and pedestrian linkages.~~
~~ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.~~
~~iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.~~
~~iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, and seasonal changes in plant habit, scent, or floral display.~~
~~v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the public right-of-way.~~
~~vi. The property owner shall be responsible for maintenance and other liabilities of the public plazas.~~
~~c. Weather Protection. In order to qualify for incentive bonuses, a weather protection structure shall be provided along all street frontages designed for edge treatment A. Weather protection structures shall be reviewed and approved by the planning director, city engineer and all affected public utility agencies. The weather protection structure shall incorporate the following design features:~~
~~i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies, building cantilevers, and building second stories, shall provide weather protection between the building face and curb line either within the existing public right-of-way or sidewalk easement.~~
~~ii. A minimum 10-foot clearance must be achieved between the bottom of the weather protection structure and the ground below.~~
~~iii. All-weather protection structure support features such as columns, posts, pillars, etc., must be located so as to align with the existing curb line. A minimum 10-foot separation shall be achieved between support features. In addition, a sidewalk with a minimum width of five feet shall be achieved between the building face and back of curb.~~
~~iv. Where existing weather protection structures exist on adjacent properties, proposed protection structures shall be fully attached and integrated with the existing structure so as to achieve continuous weather protection along the street frontage.~~
~~v. The design of the weather protection structure and materials utilized shall generally comply with the design theme guidelines adopted for the Taft Village core and will include property owner input into alternative designs.~~
~~Figure 17.45.090-A~~

17.45.100 Nonconforming uses and structures.

A. Continuation of Nonconforming Use. A use lawfully occupying a structure or site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming use and may be continued, subject to the following regulations:

1. Routine maintenance and repairs may be performed on structures or sites the use of which is nonconforming.

2. Structures or sites, the use of which is nonconforming, may be altered, renovated, enlarged, replaced, or moved if, and only if:

a. As to any added area, at least the entire added area will be used for a use that conforms to the regulations for the Taft Village core zone; and

b. The area continuing to be used for the nonconforming use is not more than the area lawfully used for the nonconforming use immediately prior to the alteration, renovation, enlargement, replacement, or movement.

B. Continuation of Nonconforming Structure. A structure lawfully occupying a site on November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed to be a nonconforming structure and may be continued or replaced, subject to the following regulations:

1. Routine maintenance and repairs may be performed on nonconforming structures.

2. Nonconforming structures may be altered, renovated, enlarged, replaced, or moved if, and only if, the alteration, renovation, enlargement, replacement, or movement does not

~~cause the ultimate structure to further violate the regulation or regulations under which the structure was nonconforming.~~

~~C. Applicability of Chapter 17.64 LCMC (Nonconforming Uses). LCMC 17.64.020(A) and 17.64.030(A) shall not apply to nonconforming uses and structures in the Taft Village core zone. Except as so limited, Chapter 17.64 LCMC shall apply to nonconforming uses and structures in the Taft Village core zone.~~

SECTION 8. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.50 (*Oceanlake),* is hereby amended as follows:

Chapter 17.50
OCEANLAKE PLAN (OP) DISTRICT

Sections:

17.50.010 Purpose.
17.50.020 Oceanlake district overlay zones.
17.50.030 Permitted uses.
17.50.040 Development standards.
17.50.050 [Reserved].
17.50.060 Landscaping.
17.50.070 Signs.
17.50.080 Supplemental Regulations and Exceptions.
17.50.090 Off-Street parking and loading.
17.50.100 Design Standards.
17.50.110 Restrictions.
17.50.120 Conflicts.

17.50.010 Purpose.

The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use.

17.50.020 Oceanlake district overlay zones.

The OP district consists of three design subdistricts, or overlay zones

17.50.030 Permitted uses.

Table 17.50.030-1 identifies the land uses allowed in OP. Uses permitted are identified with "P"; those that are allowed subject to conditional use permit approval are identified with "C"; prohibited uses are identified with "N."

Table 17.50.030-1 Land Uses Allowed in Oceanlake

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Residential Categories			
Household Living			
All residential uses allowed, if:			
Lawfully existing as of July 25, 2007	P	P	P
New dwelling(s) – ground floor	N	P	P
Dwelling(s) above a ground floor commercial use	P	P	P
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P	P	P
Manufactured homes, subject to the provisions of LCMC 17.52.250			P
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)			
Lawfully existing as of July 25, 2007	P	N	N
New or expanded use	N	N	N
Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060	P	P	P
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	C	C	C
Overnight accommodations, except bed and breakfast inns	C	C	P
Offices	P	P	P
Outdoor recreation, commercial	C	C	C

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Surface parking lot, except for public facilities and parking as an accessory use	N	C	N
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	P	P
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	P	P
Industrial Categories			
Industrial service, excluding drive-up			
Fully enclosed (e.g., office)	C	C	N
Not enclosed	N	N	N
Manufacturing and production in conjunction with an allowed commercial use			
Fully enclosed	C	C	C
Not enclosed	N	N	N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales			
Fully enclosed	C	C	N
Not enclosed	N	N	N
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N

Uses	Status of Use		
Use Categories	Main Street Area	Interior Area	Oceanfront Area
Community service, including government use (public or nonprofit)	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	P	C
Parks and open space			
Pedestrian amenities	P	P	P
Parks and recreation facilities	P	P	P
Other open space	P	P	P
Places of worship[1]			
Lawfully existing as of July 25, 2007	P	P	P
New	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures (with a permitted use)	P	P	P
Radio and television transmitter or tower	C	C	C
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P	P	P
Transportation uses	P	P	P

17.50.040 Development standards.

Table 17.50.040-1 Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Minimum lot area* (square feet)			
*Development must conform to lot width, depth, yard setback and coverage standards.			
Detached single-unit dwelling	Not applicable	5,000 sf	5,000 sf
Attached single-unit dwelling	Not applicable	2,000 sf (alley required)	5,000 sf
Other structures	5,000 sf	5,000 sf	5,000 sf
Minimum lot width	50 ft	20 ft w/alley access; or 50 ft w/out alley	50 ft
Minimum lot depth	50 ft	50 ft	50 ft
Building/structure height, per LCMC 17.50.090(B)(1)			
Maximum height	35 ft	35 ft	35 ft
Minimum height	18 ft		
Maximum building coverage	90%	80% where alley access or on-street parking provided 60% where no alley access or on-street parking provided	80%
Minimum setbacks:			
Front, street, side, and rear property lines, except garage/carport entrances	0 ft, except as required for utility easements	0 ft, except as required for utility easements	10 ft

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Garage/carport entrance, setback from street	20 ft	20 ft	20 ft
Alley, building setback from alley	3 ft	3 ft	Not Applicable

17.50.050 [Reserved].

17.50.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.50.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.50.080 Supplementary Regulations and Exceptions. Supplementary Regulations and Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

17.50.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

17.50.100 Design standards. Design standards shall be adhered to in accordance with Chapter 17.74.

17.50.110 Restrictions. No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.

17.50.120 Conflicts. If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.

~~**Chapter 17.50**~~
~~**OCEANLAKE PLAN (OP) DISTRICT**~~

~~**Sections:**~~
~~**Article I. General Provisions**~~
~~**17.50.005 Definitions.**~~
~~**17.50.010 Purpose and overall guiding principles.**~~
~~**17.50.020 Oceanlake district overlay zones.**~~
~~**17.50.030 Applicability of municipal code regulations.**~~
~~**17.50.040 Administration of design standards.**~~
~~**Article II. Land Use Standards**~~

~~17.50.050 Permitted uses.~~
~~17.50.060 General development standards.~~
~~Article III. Design Standards~~
~~17.50.070 Purpose.~~
~~17.50.080 Block layout, alleys and connections to public parking facilities.~~
~~17.50.090 Buildings and structures.~~
~~17.50.100 Streetscapes.~~
~~17.50.110 Pedestrian spaces.~~
~~17.50.120 Off-street parking and circulation.~~
~~17.50.130 Pedestrian access.~~
~~17.50.140 Landscaping.~~
~~17.50.150 Signs.~~
~~17.50.160 Exterior lighting.~~

~~Article I. General Provisions~~

~~17.50.005 Definitions.~~

~~The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.~~

~~"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.~~
~~"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.~~
~~"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.~~
~~"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.~~
~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~
~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~
~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~
~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building, or any side of a building that faces a street, way, or pedestrian space.~~

~~"False-front" means a front wall that extends beyond the sidewalls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the site plan review process. For the purpose of site plan review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Island alley" means an alley that does not connect to any street but is designed to allow for future extension through abutting properties and connection to a street or public parking facility. Island alleys serving one or more parcels may be approved through site plan review.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines~~

~~and inventories prepared by the arts committee, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~17.50.010 Purpose and overall guiding principles.~~

~~The Oceanlake plan (OP) district is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use environment. The purpose of the district is to provide maximum flexibility in land use where a proposed development meets the design requirements of this chapter; the land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The OP land use and design standards in Articles II and III of this chapter, respectively, are intended to ensure that projects support the following objectives:~~

~~• Integration and functionality of land uses,~~
~~• Connecting Oceanlake to the ocean,~~
~~• Respecting neighborhood transitions,~~
~~• Designing for the climate,~~
~~• Aesthetics and context-sensitive design,~~
~~• Balancing durability and affordability.~~

~~A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited~~

~~right-of-way widths within Oceanlake, developments should maximize the opportunity to consolidate and share parking, for example, by extending alleys or shared driveways, particularly those connecting to public parking facilities. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.~~

~~B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable. Building stories above 35 feet are required to step back away from the street to maintain a village scale along the street, and to allow for sunlight and ocean views.~~

~~C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-family residential uses outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street. The design standards for Oceanlake are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.~~

~~D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Oceanlake has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100 miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.~~

~~E. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.~~

~~While each project is unique, the Oceanlake design standards (Article III of this chapter) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores,~~

~~franchises and other companies with stores or offices in multiple locations; provided, that corporate logos, art and similar commercial speech are not restricted.~~

~~F. Balancing Durability and Affordability. "Balancing durability and affordability" means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Oceanlake has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials such as wood, stone, and brick are preferred, but other materials, such as architectural-grade composite boards, shingles and trim, may be used when it is demonstrated that the material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future. (Ord. 2007-08 § 1 (Exh. B § 1(A))~~

~~17.50.020 Oceanlake district overlay zones.~~

~~The OP district consists of three design subdistricts or overlay zones, as shown on the zoning map in Appendix B to the ordinance codified in this chapter.~~

~~A. Main Street/Highway 101 Area. The main street area extends approximately one-half block deep on both sides of the highway between 21st Street and 12th Street. The district is anchored by the Lincoln City Community Center at the north end of Highway 101, and a church at the south end. The approximate center of Oceanlake is Northwest 17th Street and Highway 101. This part of Oceanlake is characterized by a traditional street grid with sidewalks, street lights, storefront commercial uses, and proximity to walkable neighborhoods. The street grid contains 200-foot by 400-foot blocks spaced evenly along the highway. Pedestrian connections and plazas are provided where 16th and 18th Streets end at Highway 101.~~

~~B. Interior Area. Land use west of the highway consists of a mix of commercial and residential uses, some in new structures and others in older cottages and houses. The area is walkable and easily accessible to adjoining neighborhoods and main street businesses, though the sidewalk network is incomplete. Proximity to Highway 101 and the ocean, both less than two blocks away, makes the area attractive for retail, overnight accommodations, and tourist-related mixed use development. The OP district allows commercial uses (e.g., retail, commercial services and office uses) on the ground floor with dwellings above or behind storefronts. Upper building stories exceeding 35 feet in height are required to be recessed, or stepped back, from numbered (east-west axis) streets west of Highway 101 to maintain view corridors toward the ocean, and to provide solar access. Front yards are minimal and parking is to be provided in public parking facilities, pullout bays along the street, and/or private facilities behind or beside buildings. The code encourages the extension of alleys and driveways through the block interiors to accommodate shared parking.~~

~~C. Oceanfront Area. The oceanfront is largely built-out with hotels, condominiums and other residential uses. As infill occurs and some parcels redevelop, the OP district encourages the retention of ocean view corridors and existing beach access, installation of sidewalks, and landscape screening of off-street parking along Harbor Avenue.~~

~~Development adjacent to existing public beach access ways must maintain beach access and ocean views from the adjacent right-of-way. (Ord. 2007-08 § 1 (Exh. B § 1(B))~~

~~17.50.030 Applicability of municipal code regulations.~~

~~A. Applicability. The provisions of the Oceanlake plan district, in addition to all other applicable regulations of this title and other city ordinances, shall apply to all uses of land and development within the OP district.~~

~~B. Redevelopment and Remodels. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than 50 percent of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection (E) of this section.~~

~~C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~

~~D. Ordinance Conflicts. Where conflicts occur between the design standards and other municipal code regulations, the provisions of this chapter shall apply.~~

~~E. Nonconforming Situations. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations. (Ord. 2007-08 § 1 (Exh. B § 1(C))~~

~~17.50.040 Administration of design standards.~~

~~A. Site Plan Review. The design standards will be applied to commercial development (including mixed use and multifamily dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's site plan review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to block layout, alleys, and connections to public parking facilities (LCMC 17.50.080) and must receive approval through the building permit review process. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~

~~1. The applicant has requested an adjustment or modification to one or more Oceanlake code standard(s), as provided in subsection (C) of this section; or~~

~~2. The applicant requests a hearing; or~~

~~3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~

~~B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the~~

~~reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines:~~

~~1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.~~

~~2. Standards use the words "shall" or "must" and are mandatory.~~

~~3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.~~

~~4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.~~

~~5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.~~

~~6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.~~

~~7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.~~

~~C. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:~~

~~1. The chapter's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution; or~~

~~2. There are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

~~Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. The decision-making body shall refer to the guiding principles in LCMC 17.50.010, the purpose in LCMC 17.50.070, and the intent under each standard, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~D. Incentives for Design Excellence. The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable building coverage, and/or~~

~~assistance from the city's urban renewal program. These incentives are in addition to the adjustments provided in Article III of this chapter. In granting incentives, the hearing body shall find that the incentive results in a design that is superior to what is required under the base standard(s), and is consistent with one or more of the following guidelines:~~

~~1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments.~~

~~2. Connecting Oceanlake to the Ocean. Oceanfront projects that provide physical beach access to the public are preferred over those that provide only visual access or no access at all. Non-oceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable to the public to more easily access the shoreline.~~

~~3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.~~

~~4. Designing for the Climate. Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership through Energy and Environmental Design (LEED) or similar program approved by the city) are preferred over those that do not meet such criteria.~~

~~5. Aesthetics and Context-Sensitive Design. Architecture that goes beyond base code requirements and achieves the vision contained in the Oceanlake redevelopment plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should reach the 35-foot allowable height by incorporating a third building story, tower, or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation, as well as their ocean-fronting elevation.~~

~~6. Balancing Durability and Affordability. In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). "Affordable housing" means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than 10 years.~~

~~Article II. Land Use Standards~~

~~Article II. Land Use Standards~~

~~17.50.050 Permitted uses.~~

~~Table 17.50.050 identifies the land uses allowed in each of the three Oceanlake subdistricts. Uses permitted subject to site plan review are identified with "P"; those that are allowed subject to conditional use permit are identified with "CU"; prohibited uses are identified with "N." If a use is not listed, the planning commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in LCMC 17.52.020.~~

~~Table 17.50.050 – Land Uses Allowed in Oceanlake~~

~~Uses~~	~~Status of Use in District~~		
~~Use Categories~~	~~Main Street Area~~	~~Interior Area~~	~~Oceanfront Area~~
~~Residential Categories~~	-	-	-
~~Household Living~~	-	-	-
~~All residential uses allowed, if:~~	-	-	-
~~Lawfully existing as of July 25, 2007~~	~~P~~	~~P~~	~~P~~
~~New dwelling(s) – ground floor~~	~~N~~	~~P~~	~~P~~
~~Dwelling(s) above a ground floor commercial use~~	~~P~~	~~P~~	~~P~~
~~Four-flat dwellings, subject to the provisions of LCMC 17.80.140~~	~~P~~	~~P~~	~~P~~
~~Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250~~	-	-	~~P~~
~~Commercial Categories~~	-	-	-
~~Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)~~	-	-	-
~~Lawfully existing as of July 25, 2007~~	~~P~~	~~N~~	~~N~~
~~New or expanded use~~	~~N~~	~~N~~	~~N~~
~~Bed and breakfast inn, per LCMC 17.80.060~~	~~P~~	~~P~~	~~P~~

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Educational services, not a school (e.g., tutoring or similar services)	**P**	**P**	**P**
Entertainment, major event	**CU**	**CU**	**CU**
Overnight accommodations, except bed and breakfast inns	**CU**	**CU**	**P**
Offices	**P**	**P**	**P**
Outdoor recreation, commercial	**CU**	**CU**	**CU**
Surface parking lot, except for public facilities and parking as an accessory use	**N**	**CU**	**N**
Vehicle servicing or vehicle repair	**N**	**N**	**N**
Retail sales and service, excluding drive-up	**P**	**P**	**P**
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	**P**	**N**	**N**
Self-service storage	**N**	**N**	**N**
Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	**P**	**P**	**P**
Industrial Categories	-	-	-
Industrial service, excluding drive-up	-	-	-
Fully enclosed (e.g., office)	**CU**	**CU**	**N**
Not enclosed	**N**	**N**	**N**
Manufacturing and production in conjunction with an allowed commercial use	-	-	-
Fully enclosed	**CU**	**CU**	**CU**
Not enclosed	**N**	**N**	**N**
Warehouse and freight movement	**N**	**N**	**N**

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Waste-related, except as accessory to a primary permitted use	**N**	**N**	**N**
Wholesale sales	-	-	-
Fully enclosed	**CU**	**CU**	**N**
Not enclosed	**N**	**N**	**N**
Institutional Categories	-	-	-
Basic utilities	**P**	**P**	**P**
Colleges	**CU**	**N**	**N**
Community service, including government use (public or nonprofit)	**P**	**CU**	**CU**
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	**CU**	**P**	**CU**
Parks and open space	-	-	-
Pedestrian amenities	**P**	**P**	**P**
Parks and recreation facilities	**P**	**P**	**P**
Other open space	**P**	**P**	**P**
Places of worship[1]	-	-	-
Lawfully existing as of July 25, 2007	**P**	**P**	**P**
New	**CU**	**CU**	**CU**
Schools	**CU**	**CU**	**CU**
Other Categories	-	-	-
Accessory structures (with a permitted use)	**P**	**P**	**P**
Commercial radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas	**CU**	**CU**	**CU**
Stand-alone wireless communications facilities	**N**	**N**	**N**

Table 17.50.050 – Land Uses Allowed in Oceanlake

Uses	Status of Use in District		
Use Categories	**Main Street Area**	**Interior Area**	**Oceanfront Area**
Essential emergency communications, early warning and associated emergency facilities	**P**	**P**	**P**
Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080	**P**	**P**	**P**
Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC 17.80.080	**P**	**P**	**P**
Accessory dwelling units, accessory to single-family dwelling or duplex, subject to the provisions of LCMC 17.80.110	**P**	**P**	**P**
Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city's transportation system plan)	**P**	**P**	**P**

Key:

P = Permitted, subject to site/development review

CU = Conditional use permit required (Chapter 17.60 LCMC)

N = Not permitted

1. Together with accessory uses as specified in LCMC 17.80.160.

17.50.060 General development standards.

Except as modified through the procedures in LCMC 17.50.040 (C), the development standards in Table 17.50.060 apply to all Oceanlake uses and development.

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
Minimum lot area* (square feet)	-	-	-

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
*Development must conform to lot width, depth, yard setback and coverage standards.	-	-	-
Detached single-family dwelling	Not applicable	5,000 sf	5,000 sf
Attached single-family dwelling	Not applicable	2,000 sf (alley required)	5,000 sf
Other structures	5,000 sf	5,000 sf	5,000 sf
Minimum lot width	50 ft	20 ft w/alley access; or 50 ft w/out alley	50 ft
Minimum lot depth	50 ft	50 ft	50 ft
Building/structure height, per LCMC 17.50.090 (B)(1)	-	-	-
Maximum height (see exceptions in LCMC 17.50.090 (B)(1))	35 ft	35 ft	35 ft
Minimum height	18 ft	-	-
Fences, retaining/garden walls	-	-	-
Maximum height – front and street yards	3.5 ft	3.5 ft	3.5 ft
Maximum height – interior side and rear yards	6 ft	6 ft	6 ft, except as may be prohibited in coastal zone
Building coverage	-	-	-
Maximum building coverage (foundation plane as % of site area)	90%	80% where alley access or on-street parking provided -	80%

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
		60% where no alley access or on-street parking provided	
Minimum landscape area (% site area) except does not apply to single-family dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-family and duplex development is subject to landscaping standards in LCMC 17.52.100.	10%	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to site plan review)
Minimum setbacks (feet): (See also LCMC 17.50.090 (B)(8)(b), Height Step-Back.)	-	-	-
Front, street, side, and rear property lines, except garage or carport, and subject to building code	0 ft, except as required for utility easements	0 ft, except as required for utility easements	10 ft
Garage/carport entry, setback from street	20 ft	20 ft	20 ft
Alley, building setback from alley	3 ft	3 ft	Not Applicable
Build-to line (feet):	-	-	-
New buildings only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases accordingly. The build-to line may also be increased through site plan review when	10 ft	Not Applicable	Not Applicable

Table 17.50.060 – Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
pedestrian amenities are provided between a primary building entrance and the street right-of-way.			
Special setback for planned street improvements	30 feet from the street centerline where the ultimate right-of-way width is 60 feet;		
	24 feet from the street centerline where the ultimate right-of-way width is 48 feet;		
	15 feet from the street centerline where the ultimate right-of-way width is 30 feet.		

Article III. Design Standards

17.50.070 Purpose.

The Oceanlake design standards are intended to implement the redevelopment plan and vision for Oceanlake. The standards reflect the following values and objectives:

A. Retain Oceanlake's compact, walkable main street character and improve the Highway 101 commercial area as the district's main working, shopping and entertainment district.

B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from Highway 101 to the ocean.

C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided, that new development creates a close, intimate human scale and architectural design addresses all four sides of a building.

D. Encourage the use of contextually appropriate materials, textures and colors.

E. Provide a continuous system of alleys and mid-block lanes with central public parking and encourage the provision of shared private off-street parking.

F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian spaces should help identify Oceanlake, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district.

G. Break down large building masses and provide visual interest along the street.

H. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.

I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.

J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))

17.50.080 Block layout, alleys and connections to public parking facilities.

A. Intent. New development and redevelopment projects should reinforce the historic street grid of Oceanlake and contribute to the development of central parking facilities interconnected by a system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside buildings. Parking should be provided on street where shoulders are approved to accommodate parking spaces or bays, and shared parking areas internal to each block. By maintaining the integrity of Oceanlake's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.

B. Standards.

1. Rights-of-Way.

a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve abutting streets and alleys. See Figure 17.50.080-1.

b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is necessary to facilitate development of shared parking facilities and the development will improve the pedestrian environment.

Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.

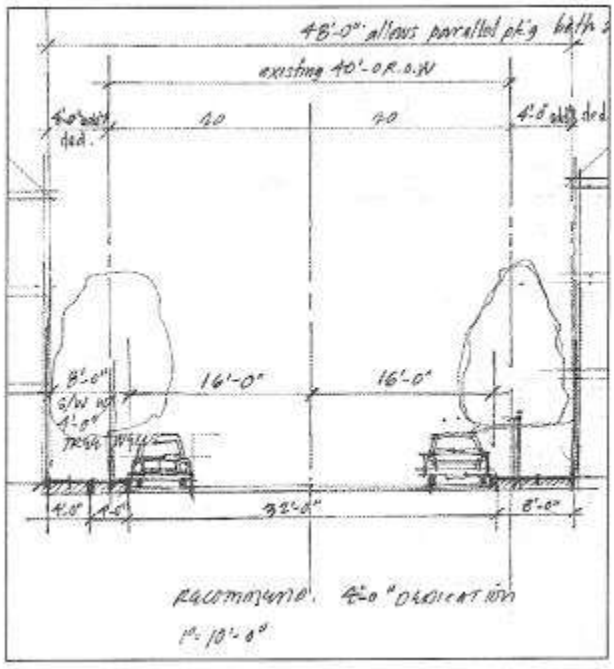


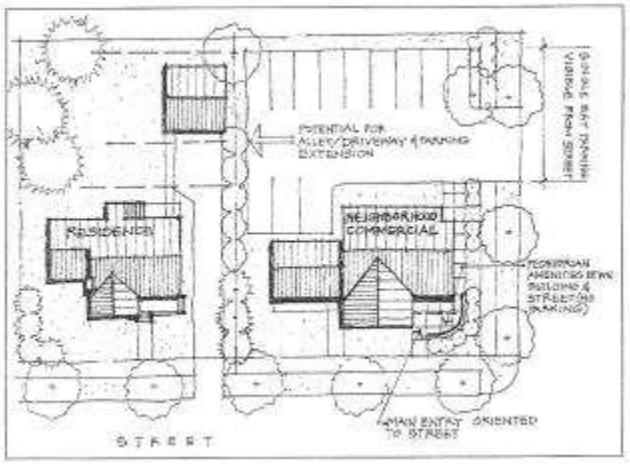
Figure 17.50.080-1: Typical local street.

2. Street/Alley Access.

a. New vehicle access to/from Highway 101 is discouraged; the city or ODOT may require vehicle access be provided from side street or alley, and existing highway approaches be consolidated as a condition of development approval.

b. The alignment of streets and alleys shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of

~~an alley as a condition of development approval. Where a block contains no alley, development may be required to configure off-street parking such that an alley can be extended through it in~~
~~the future. Alleys shall be 12 to 16 feet in width, subject to site plan review. See example in Figure 17.50.080-2.~~
~~c. Where a development receives credit toward off-street parking requirements based on its proximity to a public parking facility and/or abutting on-street parking, the city may require the owner to dedicate and improve an alley.~~
~~d. Alleys should be continuous through a block to facilitate property access and full utilization of internal parking areas, except where existing development or the highway precludes the continuation of an alley.~~
~~e. Alleys shall be contained in a public right-of-way or public access easement improved to city standards.~~
~~f. Where an interior lot or parcel is unable to connect to an existing alley and the proposed site plan provides a parking facility oriented to the rear of the property, the reviewing authority may allow the creation of a temporary island alley. Island alleys must allow for future extension(s) to abutting vacant and/or redevelopable properties.~~



~~Figure 17.50.080-2: Typical parking lot configuration allowing for future alley.~~
~~3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also LCMC 17.50.090 through 17.50.130.)~~

~~17.50.090 Buildings and structures.~~
~~A. Intent. While many communities attempt to create or re-create an urban downtown of their own, Oceanlake already has a main street with a mixture of older and contemporary buildings. The interior area of Oceanlake, between the highway and ocean, also has the~~

~~potential to become a vibrant, mixed use neighborhood, as envisioned by the Oceanlake redevelopment plan.~~

~~The eclectic group of buildings existing along the highway loosely follows the ageless rhythm of a traditional main street. Therefore building design standards draw on traditional main street elements while allowing for design variety. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Oceanlake retains its sense of place, its vitality and economic base.~~

~~The key elements of the building design standards are:~~

~~1. Eclectic coastal architecture, including residential, commercial, and mixed use development.~~

~~2. Building height and articulated facades that create a sense of street enclosure at a human scale.~~

~~3. Contextually appropriate materials, textures and colors.~~

~~4. Storefront character (windows, pedestrian shelter, furnishings, etc.).~~

~~5. Adaptable building styles that comfortably accommodate commercial, residential and mixed land uses.~~

~~6. A diversity of building facades and rooflines that fall into a consistent rhythm.~~

~~7. Corner lots as focal points with vertical elements, furnishings and public art.~~

~~B. Standards.~~

~~1. Height.~~

~~a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires, towers, and other architectural projections with an area of no more than 150 square feet may be allowed through site plan review. Building projections exceeding 35 feet in height within an ocean view corridor must be recessed behind lower building stories by not less than six feet. For the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2 and 17.50.090-3.)~~

~~b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height. Single-story structures of less than 18 feet in height and fronting onto Highway 101 may be approved by the reviewing authority where the proposed building is replacing an automobile-oriented use as defined in LCMC 17.32.030.~~

~~2. Building Form.~~

~~a. Overall Form. Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally flat elevation with any recesses, projections, or rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New buildings should reflect the predominant form while expressing individuality; for example, with vertical elements such as cupolas, turrets or towers on~~

~~corner properties. New buildings should not mimic any other building in their form or detailing.~~

~~b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous appearance. This standard is met by using either stepped parapets or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section, Storefront Character.~~

~~c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101 area, unless visually screened from the right-of-way by a parapet. Where a building in the Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that screen the roof and step down toward the rear of the building. Front gables, split-barrel roofs, rounded parapets, turrets and similar forms may be used as secondary building elements or accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as a primary roof form in the interior and oceanfront areas. Mansard roofs, including false mansards (applied forms without windows), are discouraged and A-frame buildings and other nontraditional Oceanlake forms are prohibited.~~

~~d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades are not permitted. Exterior remodeling is encouraged where it would remove the false front(s) and restore or replace historically appropriate materials.~~

~~3. Storefront Character.~~

~~a. Fenestration (Windows and Doors).~~

~~i. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent transparency standard on all elevations abutting pedestrian spaces(s) and on elevations containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~4. Building Orientation. New buildings shall conform to the build-to line requirements in LCMC 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.~~

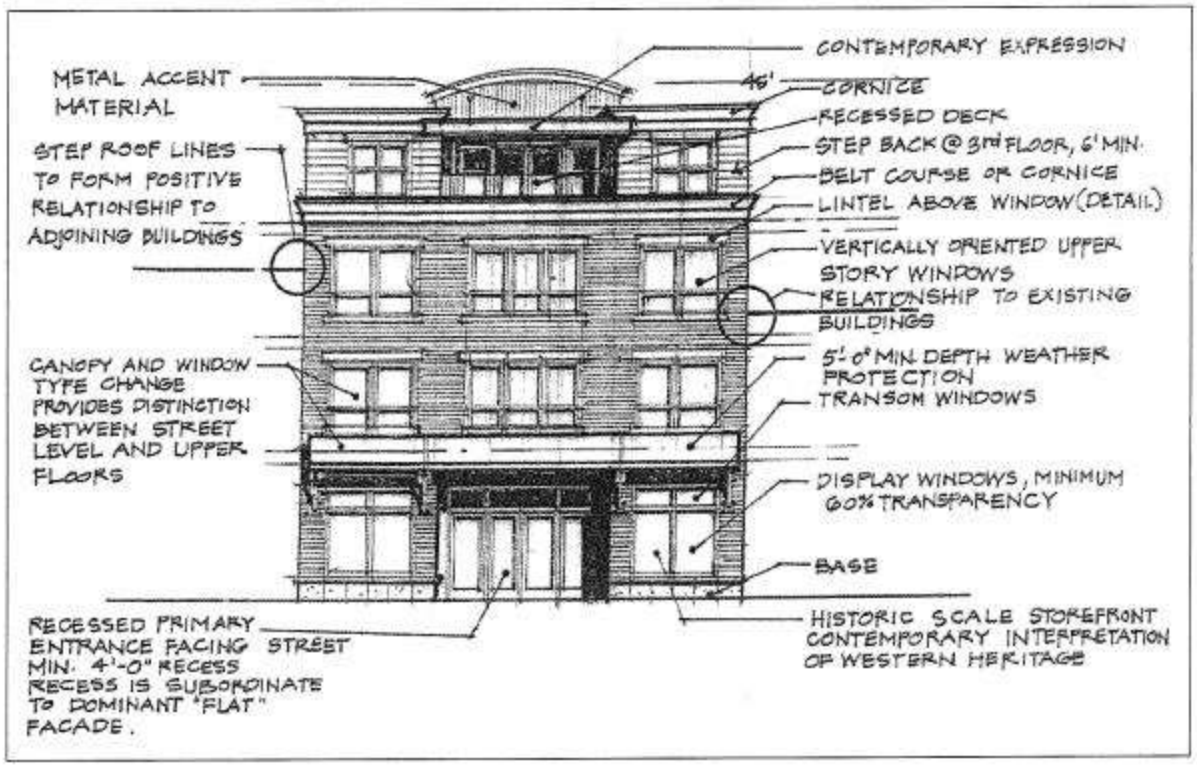
~~5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All primary entrances shall be covered for a depth of not less than five feet, either by recess, overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

~~6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also this section and LCMC 17.50.100, Streetscapes.)~~

~~7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side lot line to side lot line to maintain continuity of the storefront character. Exceptions to this standard may be granted where the applicant demonstrates that the provision of side yards contributes positively to the pedestrian environment, for example, by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.~~

~~8. Building Mass.~~

~~a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to express the traditional lot pattern and building width of Oceanlake. Changes in facade material, window design, facade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~



~~Figure 17.50.090-1: Example of acceptable building elements (35 feet).~~

~~b. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two stories shall be set back on the street sides of each successive story of the building above the second story a minimum of six feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection (B)(1) of this section. (Recommended: Figures 17.50.090-1 and 17.50.090-2.) The planning and community development director may approve an adjustment waiving the above standard for a portion of a building incorporating a signature vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(12) of this section. Any projection exceeding 35 feet shall be ornamental only and not contain habitable floor space. (See Figure 17.50.090-3.)~~

~~c. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3)(a) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

~~c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such windows shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.~~

~~d. Entrances. Ground level entrances shall be recessed behind the front facade not less than three feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.~~

~~f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with LCMC 17.50.110, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.50.110, Pedestrian spaces.)~~

~~g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).~~

~~11. Horizontal Rhythms.~~

~~a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets greater than eight feet, should be avoided. Side and rear elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot line elevation to reduce the~~

~~apparent scale and avoid blank walls, i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~b. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows, awning or canopy line, belt course between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)~~

~~Figure 17.50.090-2: Rhythm, massing, and building openings.~~

~~12. Vertical Lines. New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)~~

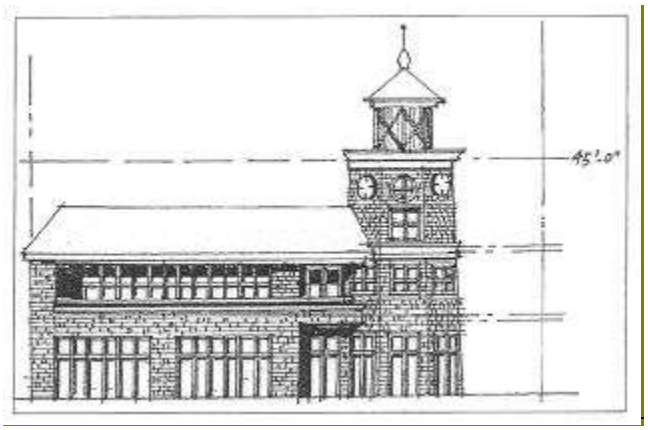


Figure 17.50.090-3: Example of vertical element and desirable building height for corner property on Highway 101. Note: building step-back not required on east side of Highway 101.

13. Materials and Color.

a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.

b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.

c. Secondary Materials. Any of the primary materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.

d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection (B)(13)(a) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.

e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed

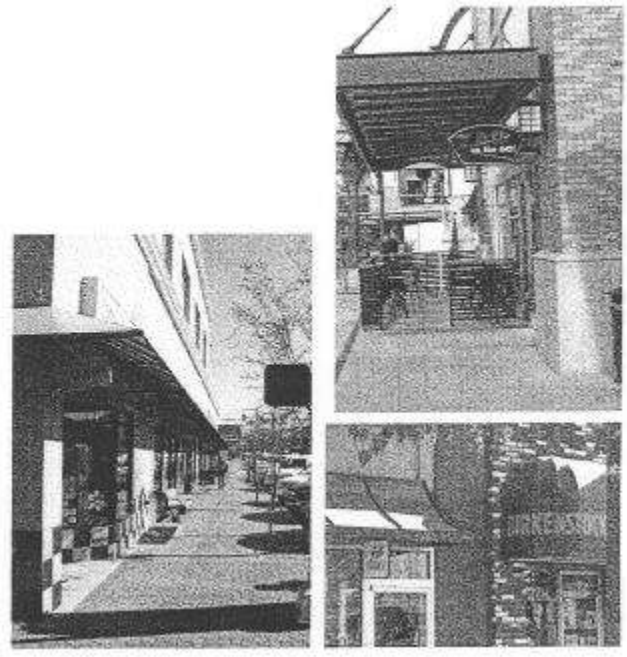
~~subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar nontraditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~

~~Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.~~



~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architecture, durability, and right-of-way constraints, if any.~~

~~15. Mechanical Equipment.~~

~~a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view on all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.~~

~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.~~

~~17.50.100 Streetscapes.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces). When streetscape improvements are required of new development, such improvements shall conform to the TSP. Additionally, street furnishing shall conform to the specifications contained in the Oceanlake redevelopment plan.~~

~~2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through blocks and local street improvements.~~

~~3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights.~~

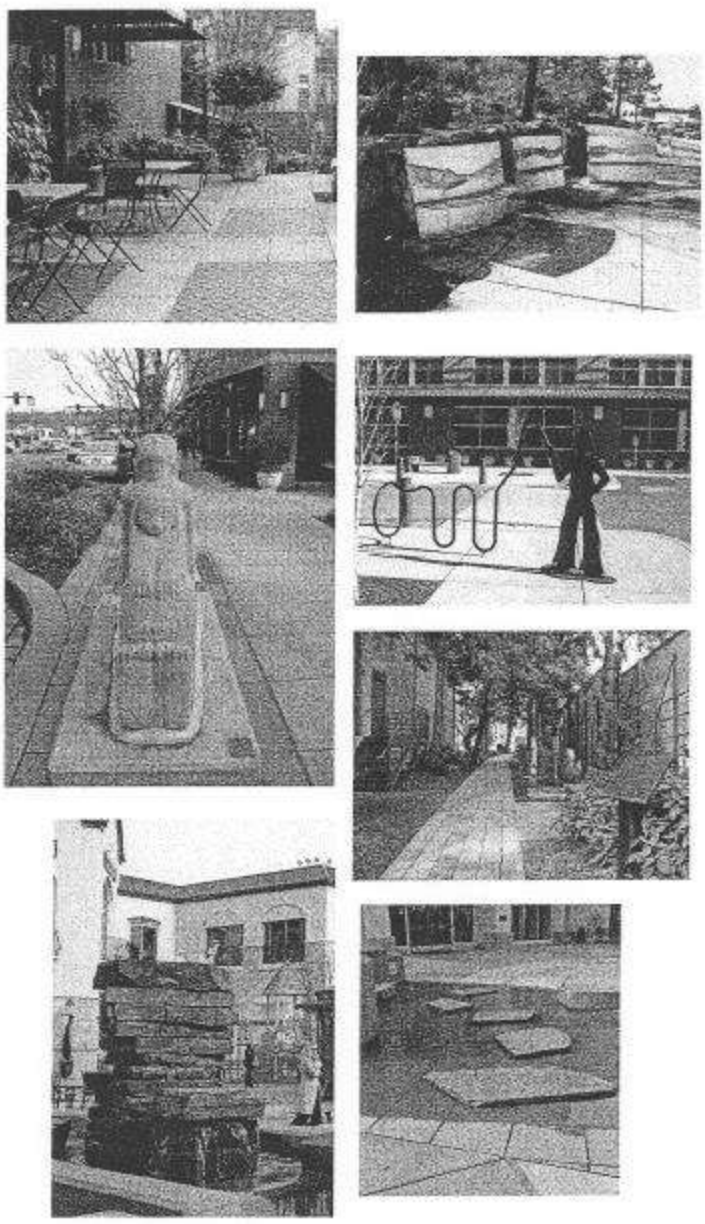
~~17.50.110 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Oceanlake require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Oceanlake. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.~~

~~B. Standards.~~

~~1. Pedestrian Space Standard. At least three percent of every development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments. See photo examples in subsection (B)(2) of this section.~~

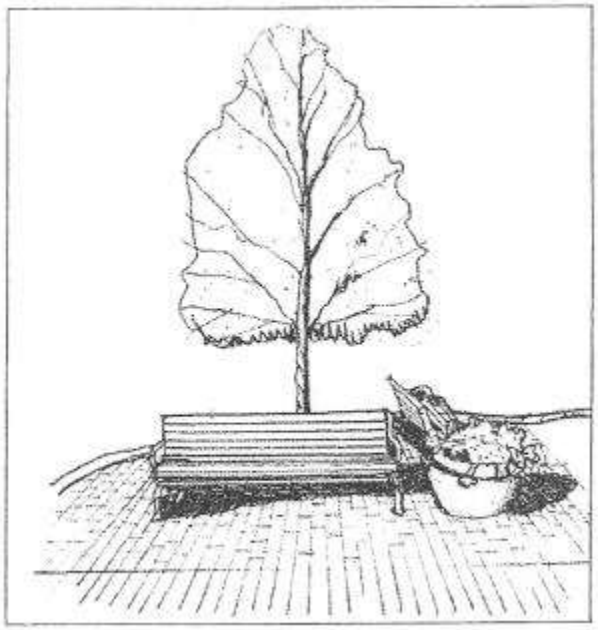
~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~



~~Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.~~

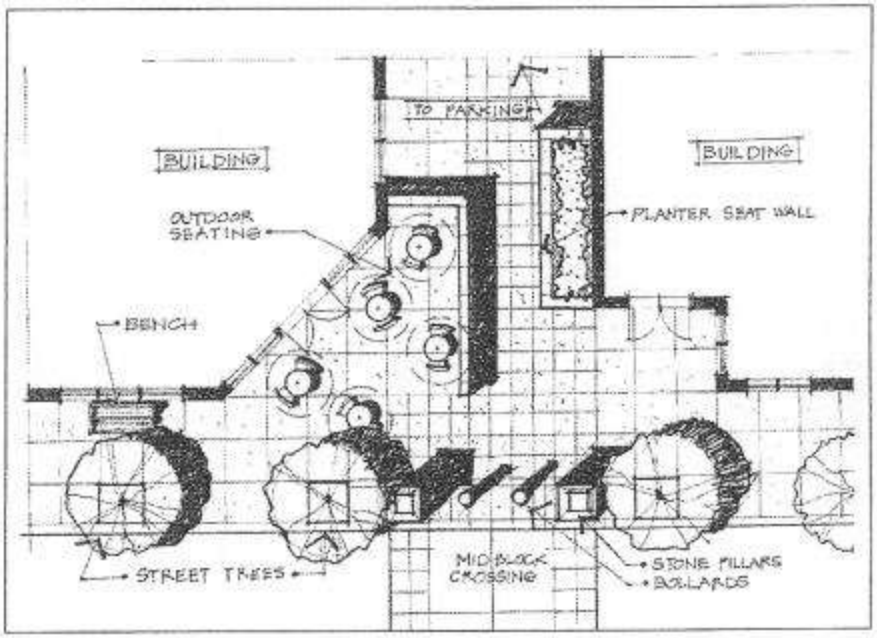
~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the~~

~~pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)~~



~~Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.~~



~~Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.~~

~~17.50.120 Off-street parking and circulation.~~

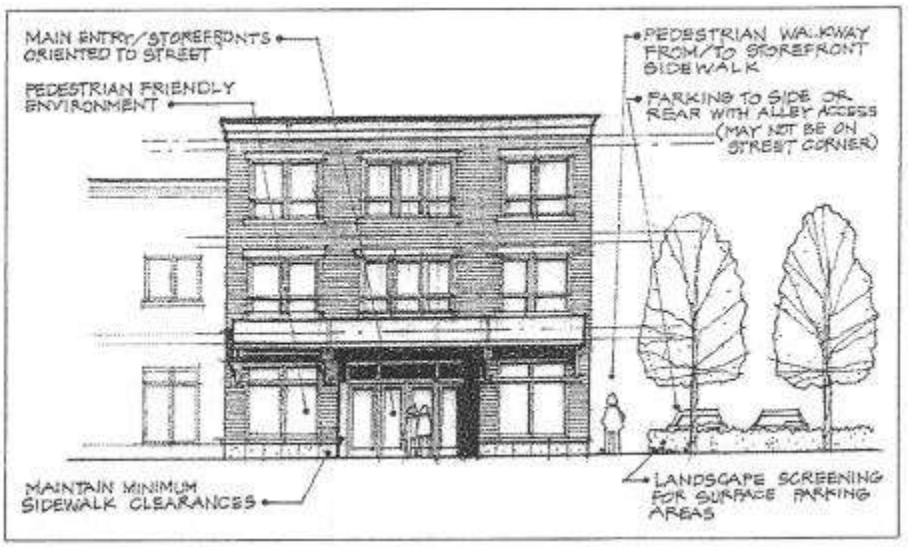
~~A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets, garages, and in shared public or private parking areas internal to each block. Areas of surface parking must be behind or to the side of buildings. Surface parking may transition to structured parking over time as the market and public-private partnerships allow.~~

~~B. Standards. In addition to standards for block layout, alleys and parking lot access provided in LCMC 17.50.080, the following provisions apply to all new development and redevelopment:~~

~~1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-up/drive-through facilities. Where applicable, the reviewing authority may approve the relocation and improvement of existing drive-up facilities, subject to a conditional use permit.~~

~~2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement for any commercial or mixed use building in the main street highway overlay zone or for the commercial component of any mixed use building in the interior-mixed use or oceanfront overlay zones; all other uses must conform to the minimum parking standards of the LCMC 17.56.050.~~

~~**3. Location of Required Parking. New surface parking must be parallel on-street parking spaces, parking bays abutting the street, parking areas located behind or to the side of a building, or a combination of the above. (Recommended: Figure 17.50.120-I.)**~~



~~**Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.**~~

~~**4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in area. Additionally, a landscape screen of not less than four feet in width and four feet in height must separate a parking area or access drive from an abutting street or pedestrian access way. Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width where a masonry, wrought iron, brick or similar architectural-grade wall is provided. Landscaping must conform with LCMC 17.50.140. The planning commission may use its discretion to allow a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees or exceeds the minimum pedestrian space requirement in LCMC 17.50.110. The commission may award more credit to projects that preserve the largest or most visible trees as viewed from public rights-of-way.**~~

~~**5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned parking lots must allow for conversion of such lots to structured parking in the future. Site plans must allow for the conversion of nonconforming, front yard parking lots to new building sites or pedestrian spaces as properties redevelop.**~~

~~**6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is not allowed between any new building and the street to which it is oriented. Where such parking currently exists and the owner proposes to redevelop the site, the city may require the owner to install landscaping or other buffering between the parking area and the sidewalk.**~~

~~7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto Highway 101, but must instead access a street, alley, or other access approved through site plan review. Structured parking must not directly abut Highway 101; it must instead be clad with commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the highway frontage.~~

~~8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an alley and must be screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, access to service areas must be from a street other than Highway 101.~~

~~17.50.130 Pedestrian access.~~

~~A. Intent. In new development, the pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the ocean beach.~~

~~B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to city standards.~~

~~17.50.140 Landscaping.~~

~~A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations.~~

~~B. Standards.~~

~~1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standard or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be noninvasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged.~~

~~ii. Turf and grass is discouraged, except in residential developments and in water treatment swales.~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to at least one-half the total number required to achieve the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then two three-inch trees of the same or comparable species shall be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

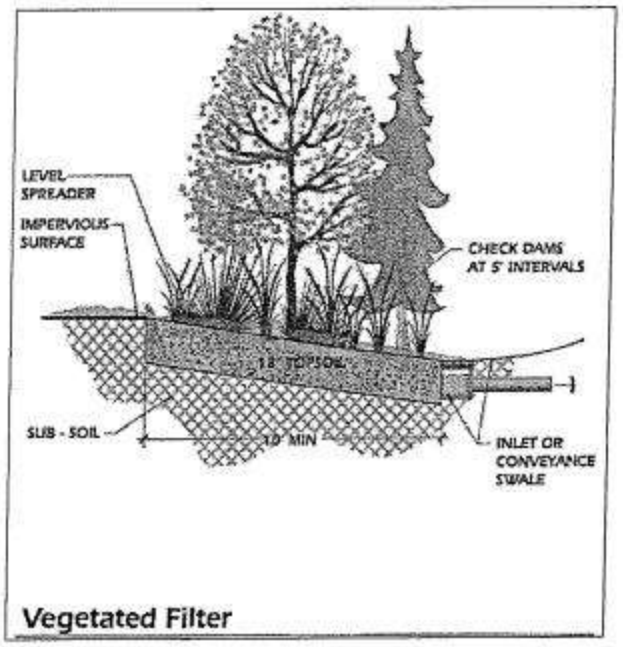
~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary,~~

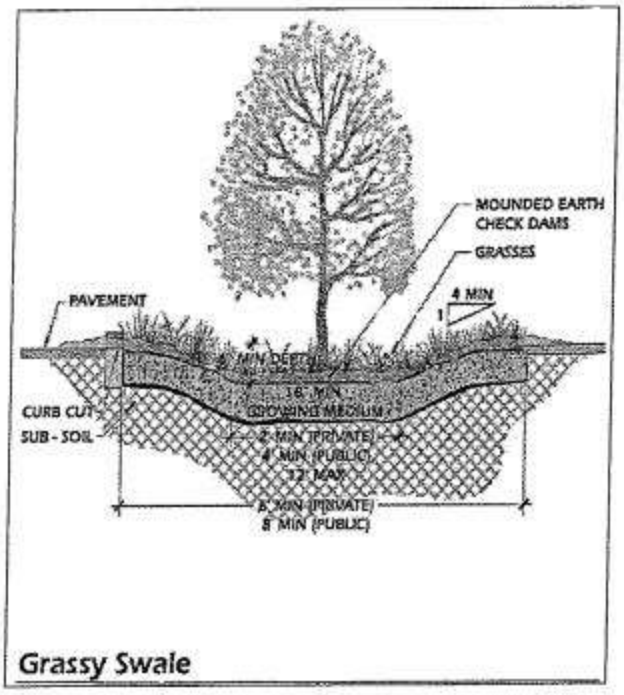
~~all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under LCMC 17.50.120, Off-street parking and circulation.~~

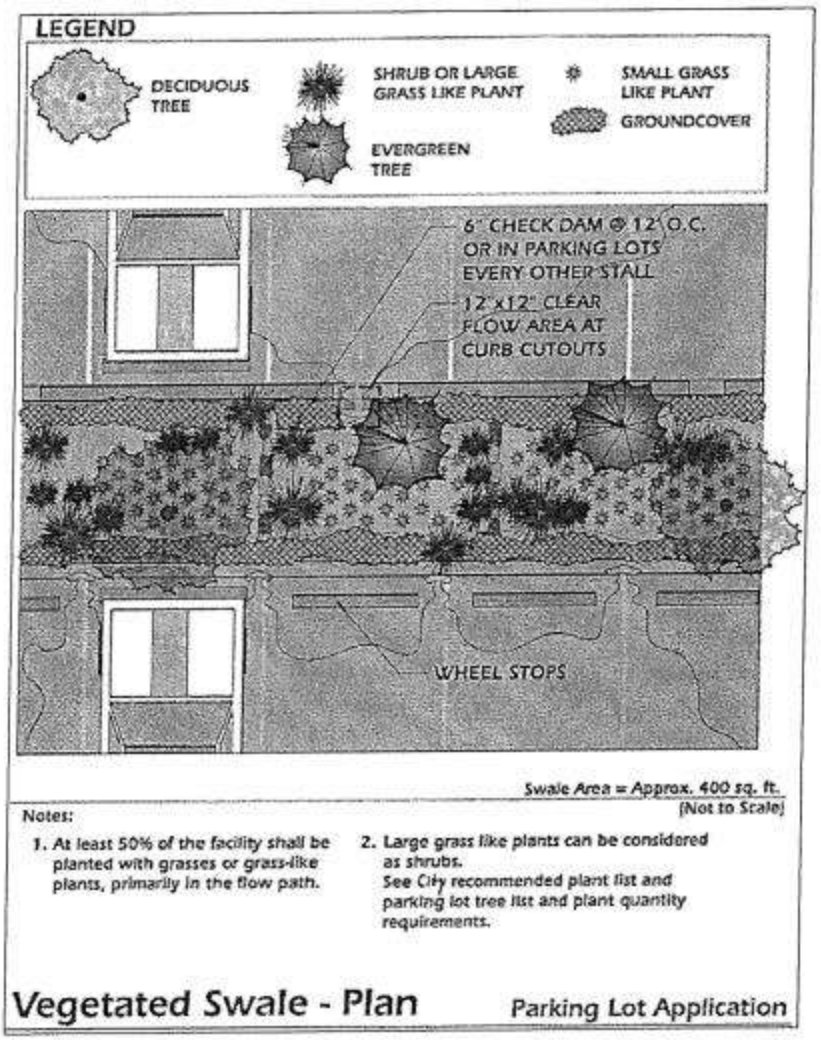
~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage, consistent with the standards in Table 17.50.060. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.50.140.)~~



Vegetated Filter



Grassy Swale



~~Figure 17.50.140~~

~~17.50.150 Signs.~~

~~A. Intent. The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in Oceanlake should function primarily as cues for pedestrian wayfinding and business identification. Business identification does not require that owners maximize the size or number of signs. The highway streetscape has built-in traffic calming features that, together with the building design standards, will enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are not necessary and are discouraged through the following standards.~~

~~B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required as part of a larger project, the sign package shall be reviewed with the site plan under the applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where a sign permit is requested apart from any other development~~

~~application, it shall be processed administratively under the applicable provisions of the Lincoln City Municipal Code and the following guidelines and standards:~~

~~1. Building Signs. Building-mounted signs shall be positioned to emphasize established architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within frames created by components of the facade design. Signs should not obscure building details. An individual building shall have no more than four building-mounted signs totaling not more than 48 square feet.~~

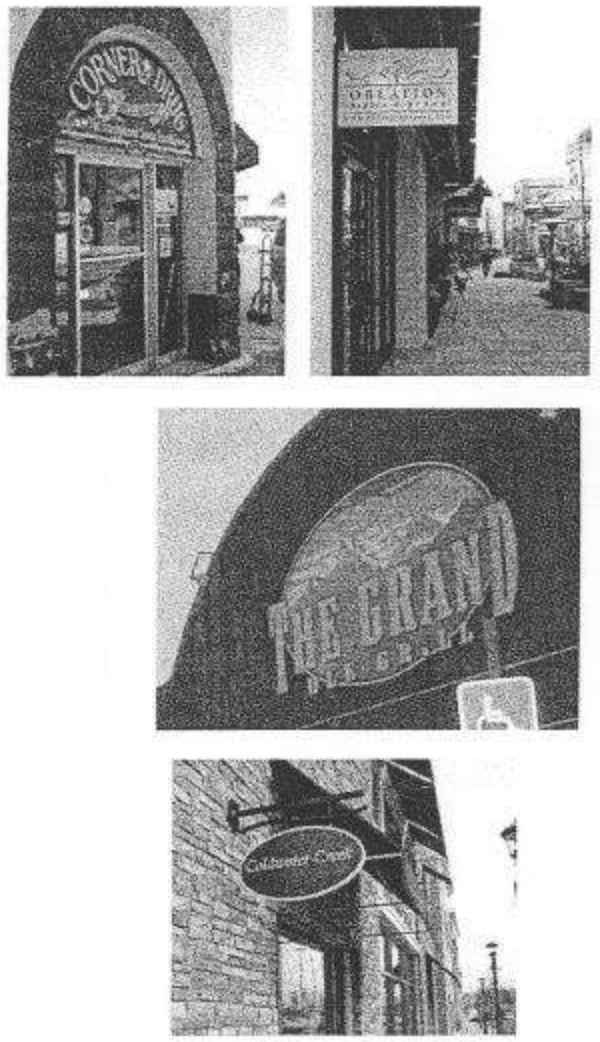
~~2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that signs suspended from an awning, canopy or similar architectural feature may be approved subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).~~

~~3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominantly made of plastic, Plexiglas, or similar reflective materials. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.~~

~~4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs and permanent stylized window signs (allowing at least 50 percent transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.~~

~~5. Signs for buildings with multiple tenants should be designed to allow for new business names to be added or replaced easily.~~

~~6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light sources shall be placed close to and directed onto the sign they are intended to illuminate, and shielded to minimize glare into the street or onto adjacent properties. Where possible, lights should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for those existing prior to the effective date of the design standards, are prohibited. See also LCMC 17.50.160, Exterior lighting.~~



~~Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood cutout, hanging sign).~~

~~17.50.160 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. The urban renewal plan for Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g., cobra head standards, or car sales lot lighting) are not permitted.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

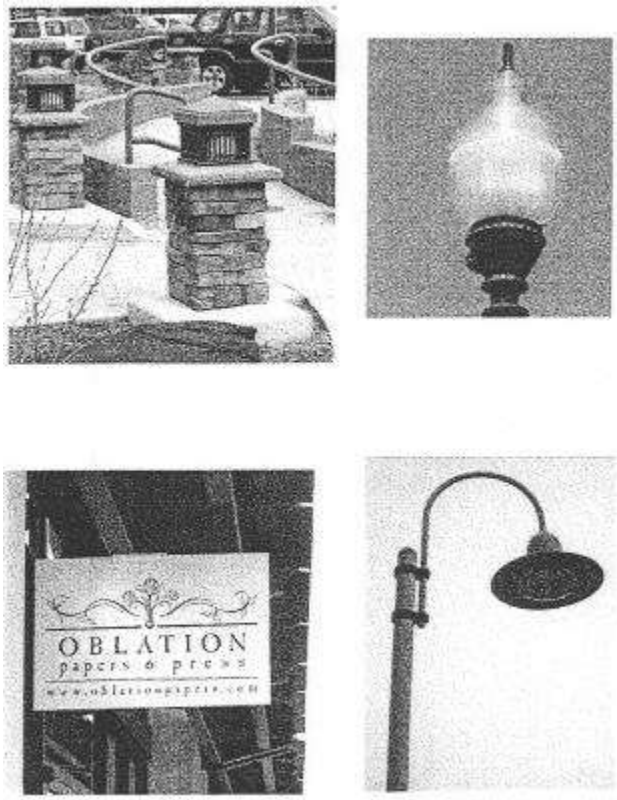
~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~**e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.**~~

~~**f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark-colored surfaces and one-half foot-candle for light-colored surfaces.**~~

~~**g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.**~~



~~**Figure 17.50.160-1: Examples of acceptable lights.**~~

SECTION 9. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.210 (*Planned unit development (PUD)*) Paragraph E.2., (*Residential Density Bonuses*) is hereby amended as follows:

> 2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, **and** in the R-1-10 zone is 4.36 units per acre~~**., and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).**~~

SECTION 10. Lincoln City Municipal Code, Title 17 (*Zoning),* Chapter 17.80 (*Provisions applying to special uses)*, Section 17.80.120 (Cottage housing developments) Paragraph F.8, *(Walkways)* is hereby amended as follows:

8. Walkways. **~~A cottage housing development shall have sidewalks abutting all public streets.~~** A system of interior walkways shall connect each cottage to the common **area** **~~open space~~**, parking areas, any community buildings, and **~~the~~** sidewalks abutting any public streets bordering the cottage housing development. **~~Sidewalks abutting public streets shall be at least six feet in width, and~~ I**nterior walkways shall be at least **five ~~four~~** feet in width.

SECTION 11. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions*), Section 17.52.250 (*Standards for Manufactured Homes in Residential Zones*), Paragraph A, is hereby amended as follows:

17.52.250 Standards for manufactured homes. ~~in residential zones.~~
All manufactured homes shall: ~~on individual lots in the R-1 and R-M zones shall:~~

A. ~~Be multi-sectional (double-wide or wider) and enclose~~ Enclose a floor area of not less than 600 ~~1,000~~ square feet;

SECTION 12. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52. (*Supplementary Regulations and Exceptions*), Section 17.52.150 (*Lighting)* is hereby amended as follows:

17.52.150 ~~Lighting. Artificial lighting shall not be designed to shine or create glares in any residential zone, adjacent dwelling unit or in a public right-of-way.~~

Exterior Lighting. Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

A. Light poles must not exceed a height of 20 feet.
B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.
C. Luminance at the property line, or no more than five feet over the property line, must be zero.
D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

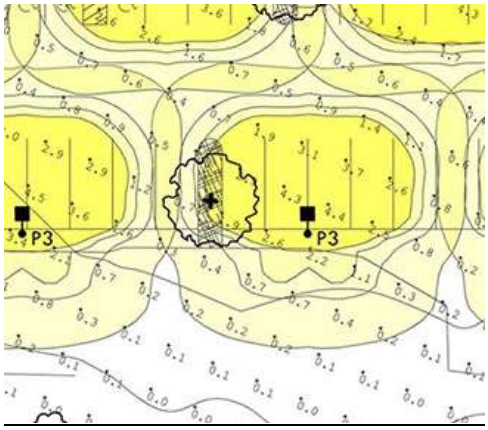
F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Figure 17.52.150-1 Examples of exterior lighting and photometric plan.

Full cut-off lighting illuminating parking and pedestrian connection.
(Credit: landscapeonline.com)



Example photometric or lighting plan detail.
(Credit: beamltd.com).

SECTION 13. Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.64 (*Nonconforming Situations*), Section 17.64.040 (Nonconforming Commercial Site Development), Paragraph B is hereby amended as follows:

B. The following elements shall be made compliant with the ~~**design standards**~~ **provisions as outlined below** ~~**in Chapter 17.74 LCMC**~~, or, as approved by **the** ~~**planning and community development director**~~ **review authority,** as close to compliant as possible within the cost limitation defined in subsection (A) of this section.

1. Pedestrian **spaces** ~~**circulation,**~~ as set out in LCMC 17.74.~~**070**~~**.080**;
2. Materials and colors as set out in LCMC 17.74.**100(K)** ~~**080 (B)(13**~~)
3. Pedestrian ~~**spaces**~~ **shelters and weather protection** as set out in LCMC 17.74.100(J);
~~**4. Screening and parking area landscaping as set out in LCMC 17.74.120;**~~
~~**5. Water quality as set out in LCMC 17.74.120 (B)(5);**~~
4. ~~**6.**~~ Exterior lighting as set out in LCMC **17.52.150;** ~~**17.74.130**~~;
5. ~~**7.**~~ **Windows/** Transparency as set out in LCMC 17.74.**100(I)** ~~**080 (B)(3)**~~; and
~~**8. Landscaping of existing setbacks and yard areas.**~~

SECTION 14 Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.74 (*Commercial Design Standards*) is hereby amended to read as follows:

Chapter 17.74
DESIGN STANDARDS

Article I. General Provisions

17.74.010 Intent.
17.74.020 Applicability.
17.74.030 Exceptions.
17.74.040 Administration.

Article II. Design Standards Mixed Uses and Uses Other Than Residential

17.74.050 Character types and guiding principles.
17.74.060 Site design.
17.74.070 View protection.
17.74.080 Pedestrian spaces.
17.74.090 Building design.
17.74.100 Transportation and streetscape standards.
17.74.110 Exterior lighting.

Article III. Design Standards Residential

17.74.130. Building design.

Article I. General Provisions.

17.74.010 The intent of these regulations is to:

A. Enhance and protect the city's quality of life and community image through clearly articulated site and building design standards;

B. Protect and promote the city's economic vitality by encouraging and rewarding high-quality development;

C. Establish a clear relationship between streets, pedestrian spaces, and buildings; and

D. Enhance and protect the security and health, safety, and welfare of the public.

17.74.20 Applicability.

A. Zoning districts. The provisions of this chapter apply to the Multiple-Unit Residential (R-M), Recreation Commercial (RC), General Commercial (GC), Nelscott Plan District (NP), Taft Village Core (TVC), and Oceanlake Plan District (OP) zones as follows:

1. Article I. General Provisions for Mixed Uses, Uses Other Than Residential, and Residential.

2. Article II. Design Standards for Mixed Uses and Uses Other Than Residential.

3. Article III. Design Standards for Residential.

B. Conflicting regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.

C. The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously-developed sites, and/or new construction of any building or structure.

17.74.030 Exceptions and Nonconformances.

A. Routine repairs and maintenance. Routine repairs and maintenance are exempt from these standards.

B. Additions or expansion. Additions to or expansions of an existing building or structure are exempt from standards contained in this chapter that are specific to building design, provided the addition or expansion is less than 800 square feet of gross floor area. If the

addition or expansion consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to building design shall apply to the addition or expansion. Existing non-conforming portions of the building shall come into conformity as provided in Chapter 17.64 LCMC. As part of the addition or expansion, and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

C. Residential dwelling exception. Detached single-unit dwellings, attached single-unit dwellings, duplexes, and manufactured dwellings in any zone are exempt from all requirements of this chapter.

D. Nonconformances. See Chapter 17.64 LCMC for application of these standards in nonconforming situations.

17.74.040 Standards versus guidelines.

A. The sections that follow provide intent statements, followed by standards and guidelines. Most standards contain approval criteria that are objective; however, some criteria require the review authority to apply discretion. Where discretion is involved, the review authority must use the guidelines in evaluating a proposal. The following further explains the relationship between intent statements, standards, and guidelines.

1. Intent statements are not utilized as applicable approval criteria for evaluating the application for approval or denial. However, intent statements are utilized when considering approval or denial of requests for adjustments or modifications as the applicant must demonstrate how the requested adjustment or modification and proposed alternative conforms to the intent statements.

2. Standards use the words "shall" or "must" and are mandatory. A request for an adjustment or modification is required if the standard cannot be met.

3. Guidelines use the words "should," "may," "preferred," "encouraged," and "discouraged," and are advisory only. Guidelines supplement the standards and provide examples of acceptable or unacceptable design.

    a. Graphics used in this chapter do not prescribe a particular design, but serve as examples of acceptable or unacceptable design solutions.

4. Standards and guidelines both serve as approval criteria, but the review authority has much greater latitude in applying guidelines. Where a guideline conflicts with a standard, the standard prevails.

5. In the case of a requested adjustment or modification to a standard, the submitted application and associated materials must demonstrate how the adjustment or modification results in equal or greater conformity to the intent of the code and other applicable standards and guidelines.

6. Nullification of one standard or guideline by a court of competent jurisdiction does not cause any other standard or guideline to be nullified (severability).

B. Burden of proof. The submitted application and associated materials must demonstrate how the proposal meets all the applicable standards contained in this chapter and other applicable city regulations. Through adjustment or modification requests, the application and associated materials must also provide evidence of why a standard is not relevant given the context of the site and proposed use.

C. Adjustments and modifications. Adjustments to or modifications of the standards in this chapter are not variances. The procedures and criteria for variances are addressed in Chapter 17.68. The review authority may approve requests for adjustments to or modifications of the standards in this chapter provided the applicant demonstrates the following:

1. The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted or modified can be better met through the proposed alternative design solution; or

2. Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the submitted materials must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted or modified.

Article II. Design Regulations for Mixed Uses and Uses Other than Residential.

17.74.50 Guiding principles.

A. Enhance Lincoln City's historic qualities and facilitate compact, walkable, mixed-use development.

B. Orient buildings and their primary entrances to public or private streets or to pedestrian spaces abutting the public or private streets.

C. Create vibrant pedestrian spaces that, where possible, take advantage of western and southern exposures.

D. Provide aesthetically-pleasing visual interest along the public right-of-way and private streets, retaining the historic pattern of small buildings or at least the impression of small buildings.

E. Treat corner lots as focal points by prominent placement of the building and with vertical building elements, public art, seating, or other design features.

F. Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.

G. Enhance the street front by providing visual interest through site design and building articulation.

H. Sustainable building practices are encouraged, as is energy conservation in construction.

I. Permeable surfaces for driveways, walkways, and parking areas are encouraged.

17.74.060 Site design.

A. Intent.

1. **Facilitate the development of a continuous pedestrian pathway network throughout the city.**

2. **Create a sense of enclosure and human scale by orienting buildings to streets or, where buildings must be set back from the street, by orienting them to pedestrian activity, and design intervening area with pedestrian spaces and landscaping.**

3. **Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs.**

B. General standards.

1. **Site conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.**

2. **Pedestrian space. Maximize opportunities for usable, attractive, well-integrated pedestrian space.**

3. **Site design. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and**

management such as through providing bioswales or other natural water treatment features.

4. **Natural features and systems. Prioritize natural features and systems by orienting buildings around existing native vegetation, significant wetlands, and significant riparian areas, and maximizing passive heating and solar gain, protection from weather, and predominant winds.**

5. **Building entries. Create clearly identifiable building entries from the street, unless restricted by unique site conditions.**

6. **Building continuity. Where practicable, it is encouraged to extend buildings from side property line to side property line to increase vitality and to maintain continuity of a storefront character.**

7. **Mixed-use buffers. Provide buffers at residential entries at sidewalks within mixed-use frontages by means of entry courtyards, porches, or stoops as well as landscaping.**

8. **Retaining walls. Where new retaining walls are constructed adjacent to public right-of-way, they must consist of one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.**

9. **Compliance with Chapter 17.52 is required. If conflicts occur, the strictest requirement shall apply.**

10. **Drive-through facilities and stacking lanes. Drive-through facilities, including windows and ordering stations, must not be visible from public right-of-way. Stacking lanes must be able to accommodate all vehicles on the site, such that no part of any vehicle using or in line to use a drive-through facility shall project into or over any portion of public right-of-way.**

11. **Building orientation.**

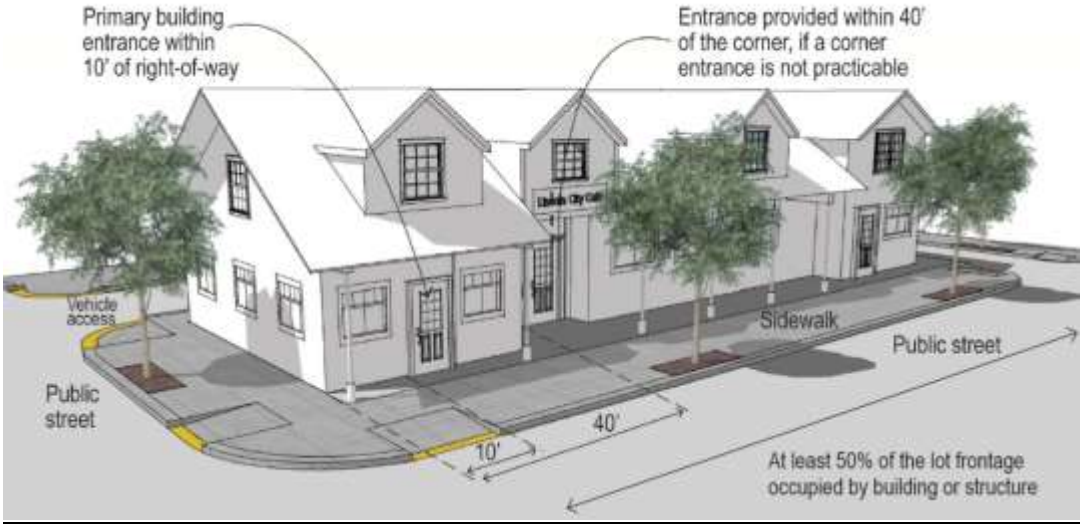
    a. **Building orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See *Figure 17.74.60-2.***

    b. **Primary building entrance.**

i. **Corner building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner. See *Figure 17.74.60-2.***

ii. **Interior building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.**

Figure 17.74.60-2. Building orientation diagram.



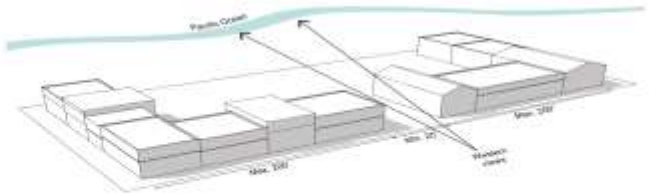
17.74.070 View protection.

A. Intent. To acknowledge existing key natural and scenic views of the Pacific Ocean, Siletz Bay, and Devils Lake, and leverage context-sensitive design to minimize impact to these views. Design solutions include changing height, bulk, setbacks, or orientation to frame or retain partial views.

B. Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.

C. Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel. See *Figure 17.74.70-1.*

Figure 17.74.70-1. View protection diagram.



17.74.080 Pedestrian spaces.

A. Intent.

1. **The increased development intensity, mixture of uses, pedestrian activity, close building orientation, and minimal private open space envisioned for the city should be offset by providing pedestrian spaces along building frontages and breaks between buildings.**

2. **Pedestrian spaces serve to provide visual relief, pedestrian resting areas, and opportunities for socialization.**

3. **Projects must contribute their proportionate share of pedestrian space. Pedestrian spaces count toward the required minimum landscape area.**

B. Standards.

1. Required area and dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet. See *Figure 17.74.80-1*.

2. In-lieu fee. The applicant may find that the creation of pedestrian space is not practicable. In such case, the review authority may approve an in-lieu fee equal to the assessed value of the land and improvements that would have otherwise been required. The assessed value shall be that shown on the most current property tax report from the Lincoln County Assessor's Office. The in-lieu fee shall be paid to the city.

3. **Preferred location. The highest priority locations for pedestrian spaces are those areas with the highest pedestrian activity that have a western or southern exposure, Where no such area exists, then pedestrian space should be an extended sidewalk or walkway connecting multiple developments.**

4. **Access. All pedestrian spaces must be accessible from the public right-of-way or otherwise be connected to and visible from the public right-of-way by a sidewalk or pedestrian pathway. Connections between pedestrian spaces and the public right-of-way must be identified with a change in paving materials or paving treatment. Use of painted concrete is not an acceptable method of identifying such connections.**

5. **Weather protection. Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature.**

6. **Site Features. Features such as trash/recycling receptacles, benches, planter boxes, and other similar items must be coordinated in color and design with each other, the site, and the buildings and structures on the site.**

7. **Pedestrian amenities required. Required pedestrian spaces must contain pedestrian amenities within the designated pedestrian space in an amount equal to or greater than one-half of one percent of the estimated project construction cost. Cost estimates for pedestrian amenity improvements must be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the review authority. Features that count toward fulfilling the one-half of one percent amenity requirement include:**
   - **Tables, chairs, benches;**
   - **Water features;**
   - **Planters;**
   - **Plaza space;**
   - **Extra-wide sidewalk by at least six inches over and above the minimum width requirement;**
   - **Public art;**
   - **Pedestrian-scale lighting at street corners, along pedestrian pathways, or throughout the pedestrian space;**
   - **Dog stations;**
   - **Drinking fountains; or**
   - **Similar.**

8. **Edge treatment. Pedestrian space should have an articulated edge where feasible to provide visual interest and additional seating along the edges of the pedestrian**

space where people may linger out of the traffic flow. The articulated edge should be defined without impeding traffic flow.

Figure 17.74.80-1. Pedestrian space diagram.

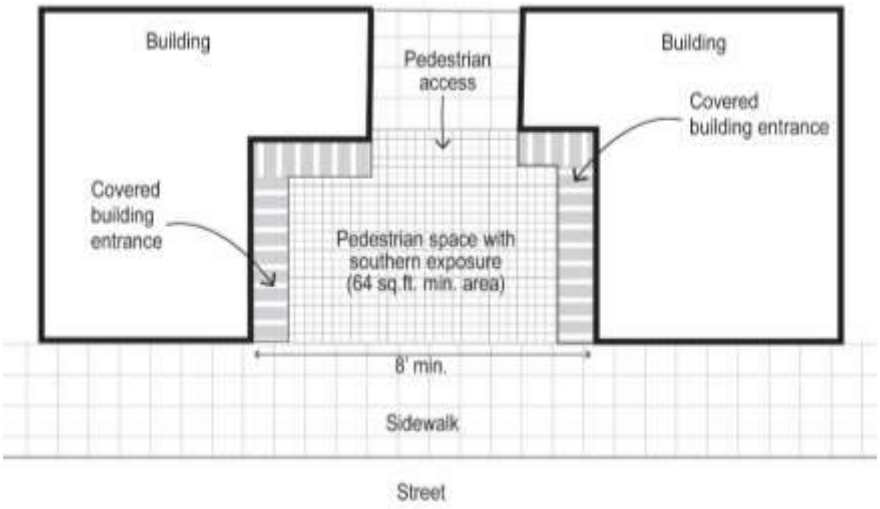


Figure 17.74.80-2. Examples of pedestrian spaces.

Extended sidewalk and plaza space near area of high pedestrian activity.

Plaza space with seating, wayfinding signage, and connections to building entrances.

17.74.090 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

17.74.100 Building design.

A. Intent. The building design standards reflect the following community values:

1. **Context-sensitive and eclectic coastal architecture.**

2. **Articulated building facades to break up large volumes and promote human scale.**

3. **Contextually appropriate materials, textures, and colors.**

4. **Pedestrian-scale development through ground floors made active with windows, pedestrian amenities, and furnishings.**

5. **Corner buildings that serve as focal points with vertical building elements, furnishings, and/or public art.**

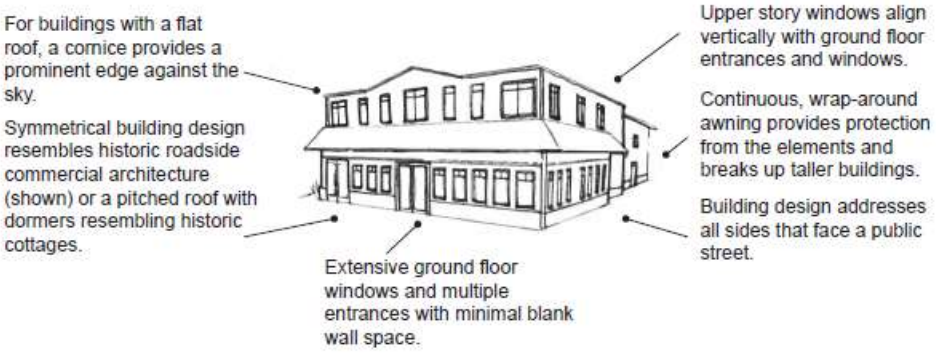
6. **Architecture that is consistent with the character of each pearl, balancing rhythm and continuity, yet creative in the design of building elevations, rooflines, and facade elements.**

7. **Design that increases environmental sustainability, softens the building's edge, and provides visual interest for the pedestrian.**

B. Specific design elements for pearls. In addition to the other standards of this chapter, development in pearls must show conformance to the following pearl-specific design elements:

1. **Wecoma. Building design must embrace the historic roadside commercial or small-scale cottage architecture found throughout Wecoma and continue architectural detail along all facades facing public right-of-way.**

Figure 17.74.100-1. Wecoma design elements.



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2. Oceanlake. The intent of the design standards for Oceanlake is to ensure:

A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place.

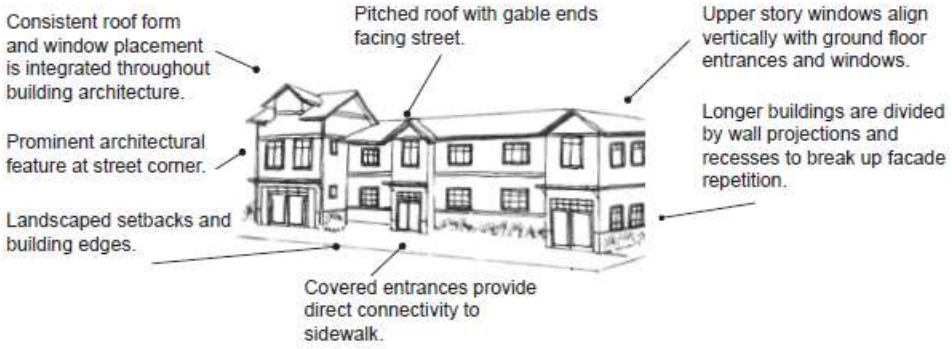
B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan district should be made compatible with abutting single-unit dwellings outside the plan district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th Street.

D. Aesthetics and Context-Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore pines, and ocean bluffs. The Oceanlake plan district encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history

***3.* DeLake. Building design must break up larger facades and repetitious design features to create an appearance of smaller-scale buildings to emphasize a human-scale while prioritizing architectural detail along any street-facing façade of buildings or where portions of a façade are visible from public right-of-way.**

Figure 17.74.100-2. DeLake design elements.



4. **Nelscott. The intent of the design standards are to ensure:**

   A. Integration and Functionality of Land Uses. Connections between building entrances, sidewalks and associated pedestrian areas should be made to encourage visual and physical integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way widths within Nelscott, developments should maximize the opportunity to consolidate and share parking, for example, by sharing driveways. Where such connections are not practicable, site plans should maximize the opportunity to provide shared parking serving multiple developments.

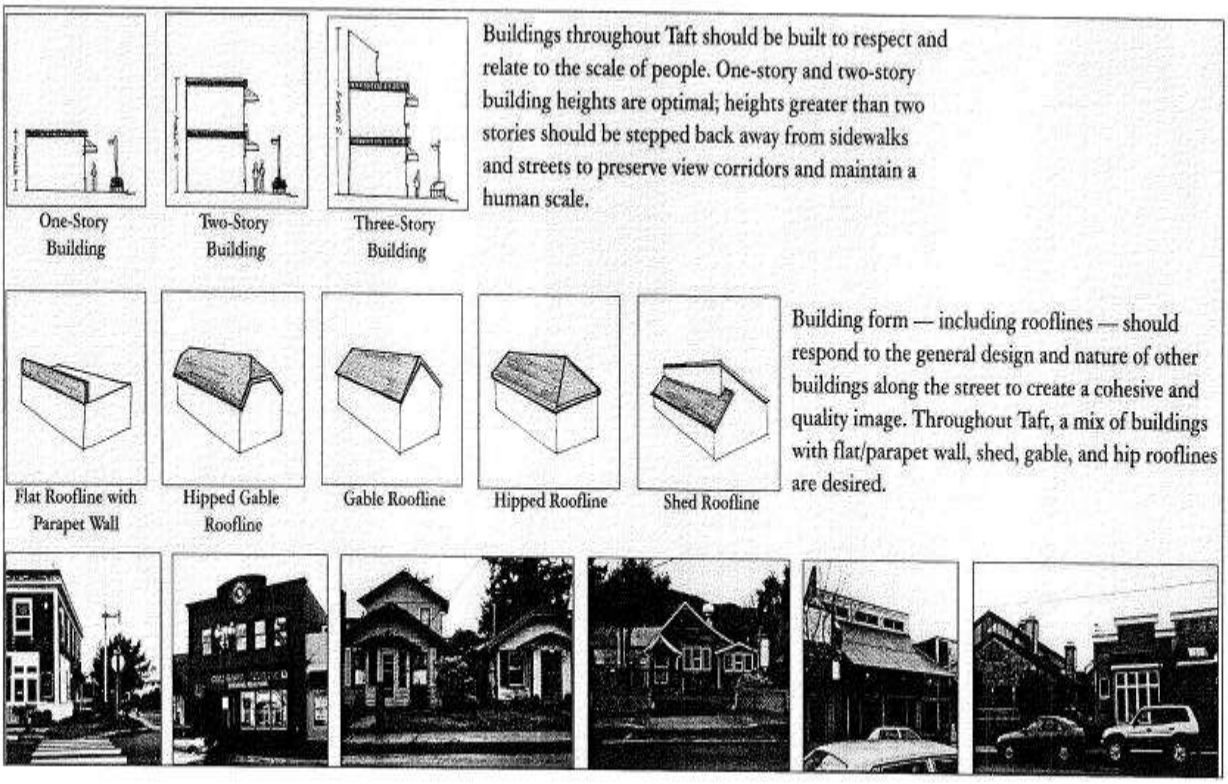
   B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys providing visual and, in some cases, physical access to the beach. The area is defined by village-scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the ocean. While the city recognizes that it is not possible or practical to preserve all views of the ocean, new projects should be designed to take advantage of ocean views while maintaining view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent practicable.

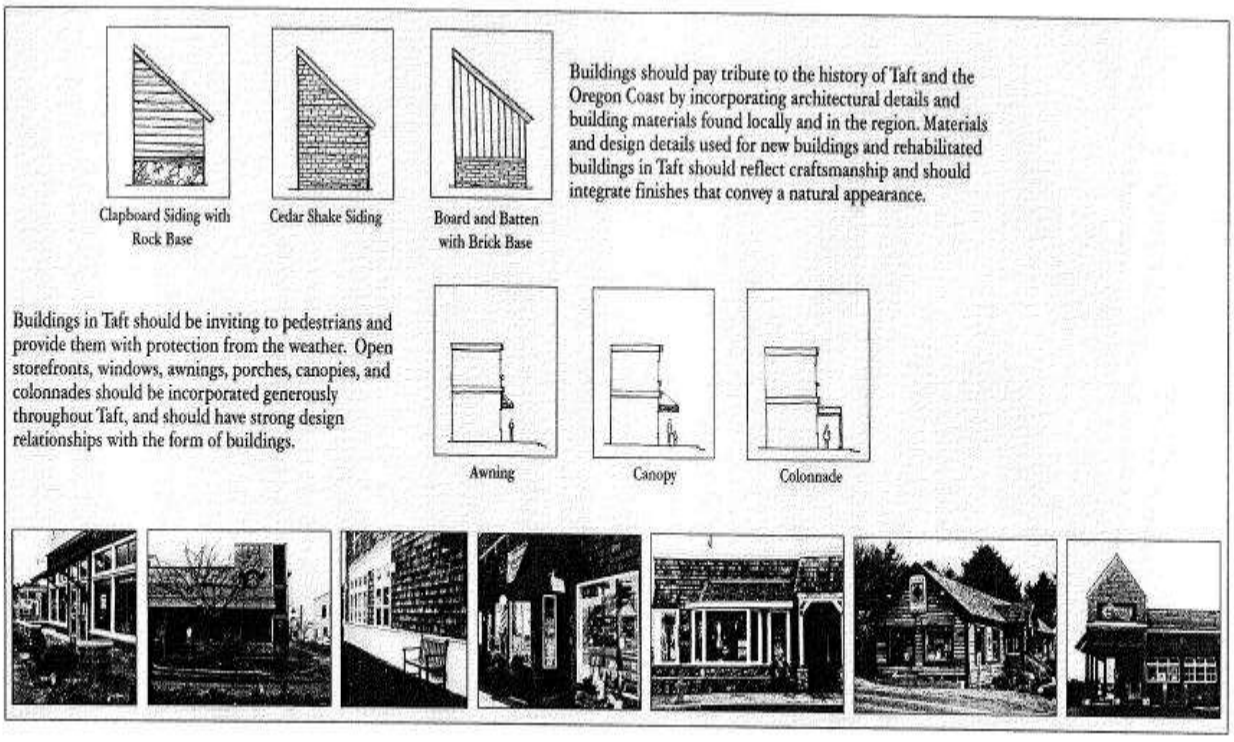
   C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting detached single-unit dwellings outside the plan district – particularly the detached single-unit dwellings and cottages to the north.

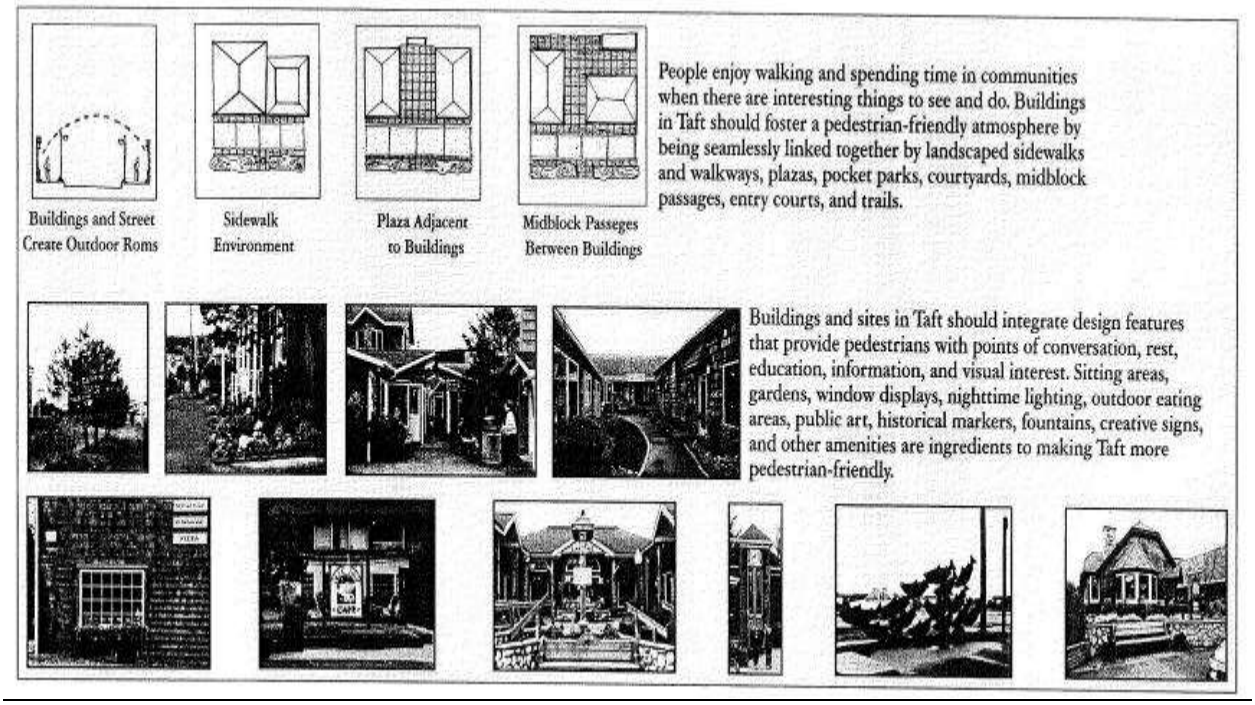
   D. Aesthetics and Context-Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history.

5. **Taft. Design standards are intended to promote compatible and enhanced site and building design throughout the village of Taft core area.**

Figure 17.74.100-3. Taft design elements.

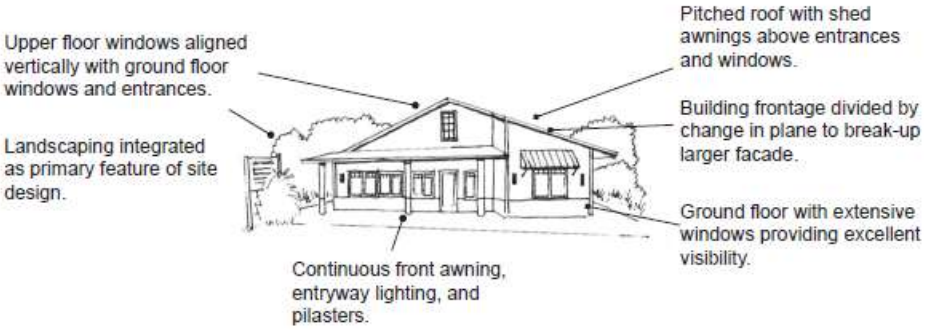






6. **Cutler City. Building design must conform to a smaller scale and emphasize a residential character by incorporating elements such as a pitched roof form or wrap-around awning and integrate nature into the design scheme through use of natural or natural-looking exterior building materials.**

Figure 17.74.100-4. Cutler City design elements.



D. Development standards.

Standard	Required
1. Building height	
a. Minimum building height adjacent to public right-of-way.	**15 feet**
b. Maximum height.	**Established by the underlying zone and calculated according to 17.52.190 and 17.52.200.**
2. Ground floor windows.	
a. Minimum percentage of transparent windows adjacent to public right-of-way.	**60%**
3. Building entrances.	
a. Minimum number of	**One entrance, and at least one additional**

Standard	Required		
entrances connected to street.	entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing.		
4. Building articulation.			
a. Maximum individual wall plane size.	800 square feet		
b. Minimum recess or projection of each wall plane.	i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet		
c. Maximum length of individual wall plane.	12 feet		
5. Pedestrian shelters.			
a. Minimum along street frontage.	75% of building frontage length		

E. Building form.

1. Upper floor step-back. Buildings facades must step back according to the following:

a. For buildings over two stories in height, the top floor must step back at least 10 feet; or

b. Progressive step-backs on upper floors must be a total of at least 10 feet.

2. **Street facing facades. Architectural designs must address all sides of a building that are adjacent to or visible from a public right-of-way or pedestrian space.**

3. **Varied height. Height must vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or different height from building to building.**

4. **Minimum height. Single-story buildings must incorporate parapets, towers or other design elements to reach the minimum height.**

5. **Building modulation. Vertical and horizontal building modulation must be used to add variety and to make large buildings appear to be an aggregation of smaller buildings. A roof plan and foundation footing plan are required at submittal to show compliance with this standard.**

6. **Relation to shorter buildings. Where a wall of a proposed building is 10 feet taller or more than the adjacent building, the taller building must follow the horizontal lines of the shorter building along the ground floor, and reference elements or detailing of the shorter building(s) on its upper stories.**

7. **Highway 101 corner buildings. New buildings that are constructed on a corner site that is located at the intersection of a street and Highway 101 must include at least a two-step hierarchy in the building height, with the tallest portion of the building at the corner, tapering down in height along each street frontage. Buildings must additionally include at least two of the following on building corners facing the public right-of-way:**

    a. **Bay windows;**

    b. **Roof decks or balconies on upper stories;**

    c. **Corner entrance (also meet the requirements of Section 17.74.100 (I));**

    d. **Crowning features to a tower form such as wide cornices, projecting parapets, or a pitched roof; and/or**

    e. **Bevel, notch, or rounded corner.**

Figure 17.74.100-4. Examples of building form.

Upper floor step-back and varied height.

Building design addresses all sides of street with parapet to reach minimum height.

F. Roof form.

1. **Primary roof form. Buildings with a street-facing façade width less than 50 feet must have sloped roofs. Secondary roof forms may include towers, dormers, turrets or other features with rounded, shed, pyramidal, or crossing elevations.**

2. **Pitched roofs. Roofs must be gabled or hipped. Sloped roofs must have a minimum pitch of at least 6:12.**

    a. **The gable end of the roof must face the abutting street.**

3. **Flat roofs. Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

4. **Decks and balconies. Decks and balconies on upper stories should be designed so that they do not significantly increase the apparent mass of the building within the required upper story step-backs. Mixed-use building façades adjacent to streets and pedestrian spaces should provide balconies of a sufficient depth that are integrated into the structure and fully functional.**

5. **Prohibited roofs. Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.100-5. Examples of roof form.

Flat roof with projecting cornice of a different color.

Sloped roof with gable end facing public street.

G. Building articulation.

1. **Changes in plane. Building elevations must incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Walls of a structure must be in distinct smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space, or adjacent property. Changes in plane may include but are not limited to:**

- **Recessed entries;**
- **Bays;**
- **Stepped parapets;**
- **Secondary roof forms such as gables, lower roof sheds, dormers and towers;**
- **Building bases;**
- **Canopies;**
- **Awnings;**
- **Alcoves;**
- **Pergolas;**
- **Pediments;**
- **Porticos;**
- **Roof overhangs; and/or**
- **Other features that are consistent with the overall composition of the building.**

2. **Vertical elements. All architectural elevations of buildings over 25 feet in height visible from public right-of-way or pedestrian space must have a clearly discernible base, body, and cap. The base and cap must be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.**

a. **Base. The base must occupy the lowest portion of the elevation using articulation and weightier materials such as concrete and must have a height of at least three feet.**

b. **Body. The component described as the body must constitute a minimum of 50 percent of the total building height.**

c. **Cap. The cap must occupy the highest portion of the elevation, excluding the roof, and must have a dimension that does not exceed the height of the base. The cap must consist of a cornice, parapet, awning, canopy, eave, or other architectural treatment that visually performs in the same manner.**

3. **Horizontal lines.**

a. **Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines.**

b. **Use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration must distinguish between street level and upper floors.**

Figure 17.74.100-6. Examples of building articulation.

A building base, body, and cap.

Recessed entry, awning, and front porch.

4. **Blank wall treatments. In pearls, walls longer than 30 feet that face public right-of-way or pedestrian space must incorporate two or more of the following:**

a. **Vegetation, such as trees, shrubs, and ground cover adjacent to and covering at least 50 percent of the wall surface. Such vegetation must be selected from the**

City of Lincoln City Guide to Landscape Selections or recommended as being suitable for the local climate by a licensed arborist, or registered landscape architect, who is licensed in the State of Oregon;

b. Artwork, such as bas-relief sculpture, original art displays, or trellis structures covering at least 50 percent of the wall surface;

c. Seating area with special paving and seasonal plantings; and/or

d. Masonry materials with architectural detailing, reveals, pilasters or other means of rustication techniques.

H. Entrances.

1. Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building.

2. Transparency. Ground level entrances must be at least partly transparent, accomplished with a window in the door, a transom window above the door, or sidelights beside the door.

3. Corner entrances. Corner buildings that do not have at least one corner entrance must provide a corner plaza consistent with Section 17.74.080 or architectural features honoring the corner as a pedestrian space, such as an alcove with seating, public art, a vertical building element such as a tower, or other feature as approved by the review authority.

4. Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design must incorporate materials and detailing similar to the base of the building.

Figure 17.74.100-7. Examples of entrances.

Clearly defined building entry at corner.

Transparent ground level entrance.

I. Windows/Transparency.

1. Ground floor windows.

a. Consistent with a desired storefront character, and to avoid blank walls, each individual wall plane must contain partial transparency in the form of windows, windowed doors, or transom windows.

b. The required percentage of ground floor transparency in the individual wall plane must be placed in the area of that wall plane that is between 30 and 80 inches above the sidewalk grade.

c. Ground-floor elevation windows must be framed by piers or pilasters at their sides, awnings, canopies, or trim/hoods at their top; and kick plates or bulkheads at their base.

d. Decorative detailing and ornamentation around windows is encouraged, but is not required.

2. Upper floor windows. Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows should follow the vertical lines of the lower-level piers and the horizontal definition of spandrels and any cornices.

3. Transparency for non-street-facing elevations. The transparency standard must be met for any non-street-facing elevation that faces a pedestrian space or that contains a primary entrance.

4. Project windows, display cases. For durability and aesthetic reasons, projecting windows and display cases must be integral to the building design and contain trim or other detailing consistent with the overall composition of the building.

5. ATMs and service windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.

6. Prohibited windows. Highly tinted, opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.

Figure 17.74.100-8. Examples of windows.

Large display windows along ground floor.

Upper floor windows that follow the vertical lines of the lower level.

J. Pedestrian shelters and weather protection.

1. Required pedestrian shelters must extend at least five feet over the pedestrian area, with a minimum clearance of 12 feet between the shelter and sidewalk surface.

2. Required pedestrian shelters must shed rain away from building entrance(s), be proportionate to the building in their dimensions, not obscure the building's architectural details, and be below any mezzanine or transom windows.

3. Pedestrian shelters must match the width of storefronts or window openings and be integral to the overall composition of the building. Designs must address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.

4. **Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.**

5. **Pedestrian shelters must be maintained and in good condition.**

K. Materials and color.

1. **Primary materials.**

   a. **Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding.**

   b. **Rough-hewn wood, timbers, and metals may only be used as accents or secondary exterior materials, and not as the primary exterior cladding.**

   c. **Corrugated metal, foam/synthetic stucco, vinyl, and similar materials shall not be allowed.**

2. **Secondary materials.**

   a. **Any of the materials listed as primary exterior building materials also may be used as secondary materials or accents.**

   b. **Metals such as copper, steel, iron, bronze and similar-appearance metals may be used as trims or accents when compatible with the overall building design.**

3. **Change in materials.**

   a. **Elevations must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.**

   b. **Side and rear elevations that do not face a public right-of-way, street, public parking area, pedestrian space, or a public park may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.**

4. **Substitute materials. Substitute materials that are equal in appearance and durability to those in this section may be requested as an adjustment or modification for review and approval by the review authority. The application must provide specifications from the manufacturer as part of the adjustment or modification request.**

5. **Contemporary designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Building designs that resemble suburban strip-malls or have been replicated in many suburbs and those that use highly-reflective glass and/or similar non-traditional features are not permitted.**

6. **Sustainability. Where possible, use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.**

Figure 17.74.100-9. Examples of building materials.

Natural wood for primary building material demonstrating local architectural style.

Variations in wood siding, concrete base, and metal roof and awnings.

7. **Color.**

   a. **Muted and subtle earth tones or neutral colors, that are low-reflectance shades, are preferred as the primary colors of buildings. Natural wood finishes are encouraged. Building trim may feature brighter colors as accents.**

   b. **Coordinated color. Color schemes must be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes must tie together signs, ornamentation, awnings, canopies and entrances. Color choices must address the following:**

      i. **Base color. Maximum of one base color for every 25 feet of the front elevation. One base color for the entire front elevation is preferred; and**

ii. Accent color. Up to two accent colors, except where precedent exists for using more than two colors with some architectural styles.

c. Metals. Metals must have a brushed finish or be painted in muted earth tones or neutral colors to minimize glare.

d. Prohibited colors. Luminescent, sparkling, neon and "day-glow" colors are not acceptable, except that neon signs are allowed subject to applicable sign codes.

8. Restoration and rehabilitation. Restoration and rehabilitation projects are encouraged to incorporate the building's original materials and design elements to the extent practicable.

L. Sustainable design.

1. When used, sustainable technologies must be an integral part of the building's form and must be designed to include exterior elements visible from public right-of-way. The review body will make the final determination as to the design integration and appropriateness of sustainable elements.

2. Consider passive heating and cooling techniques during building design.

3. Control solar heat gain and glare using external shading devices.

4. Solar panel installations must minimize glare reflected onto adjacent properties.

5. All overhanging elements must be at least eight feet above the adjacent sidewalk or grade.

Article III. Design Regulations for Multi-unit structures and developments.

17.74.130. Building design.

A. Intent.

1. Lincoln City's natural setting contributes to the area's high quality of life. Exterior building materials and structural and architectural details reflect the city's natural setting. The design of new development is durable and withstands the harsh coastal climate and provides protection from the elements.

2. Development has a human scale, balancing affordability with development that is harmonious with the surrounding context, especially in areas that are adjacent to

detached single-unit dwellings. Exteriors of large buildings resemble smaller-scale buildings and offer common areas. ~~open spaces.~~

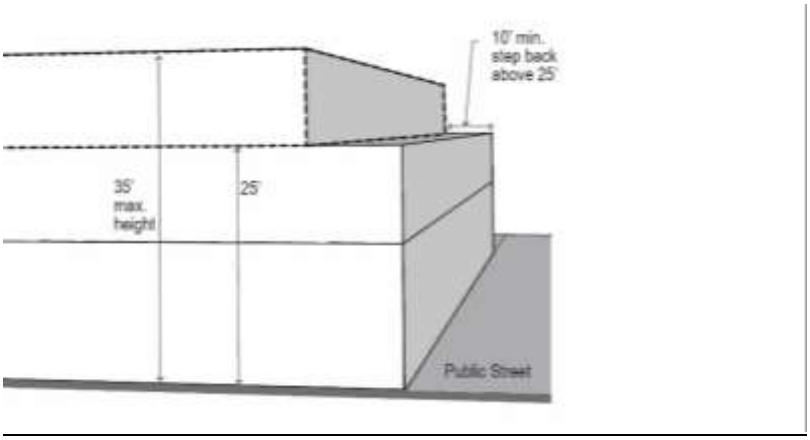
B. Building step-back.

1. Upper floor step-back. The upper elevations of building facades facing a public right-of-way or pedestrian space must step back above 25 feet or above the second story, whichever is the lesser height. (Figure 17.74.130-1) The following options are acceptable to meet this standard:

a. The top floor must step back at least 10 feet; or

b. Progressive step-backs of several upper floors must total at least 10 feet.

Figure 17.74.130-1. Building step-back.



C. Building form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space. (Figure 17.74.130-2) Along the facade of the structure, such features must occur at a minimum of every 30 lineal feet, with each floor containing at least two of the following features:

1. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;

2. An offset on the building face of at least eight inches from one exterior wall to the other;

3. A section of the façade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;

4. **A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least four feet wide;**

5. **A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;**

6. **A covered porch at least two feet deep (measured horizontally from the face of the main façade) and at least four feet wide;**

7. **Recess with a minimum depth of four feet; or**

8. **Extension projecting a minimum of two feet and running horizontally a minimum of four feet.**

Figure 17.74.130-2. Building form.

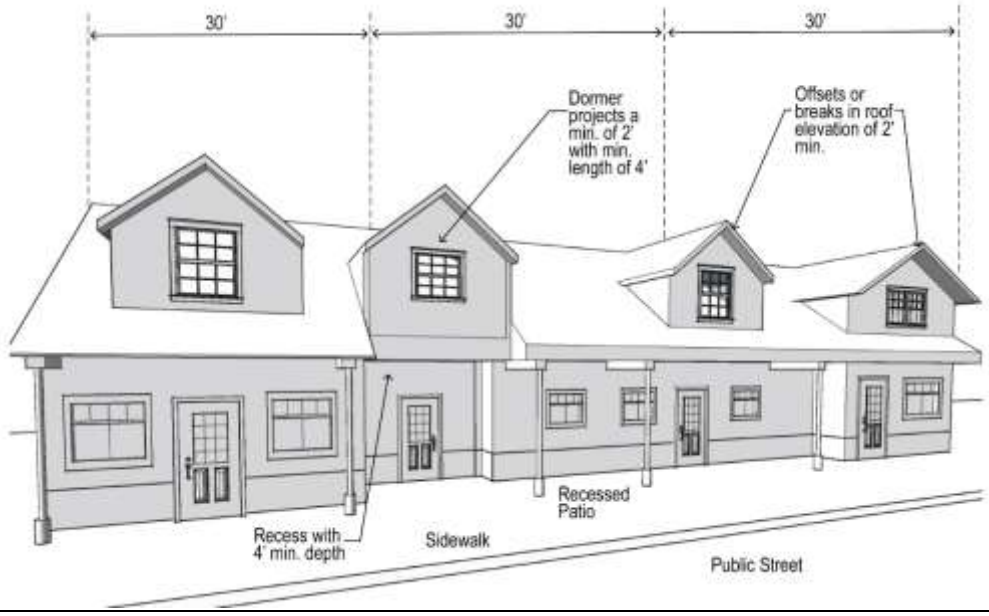


Figure 17.74.130-3. Examples of building form.

Recessed entries and balconies, and covered porches.

Roof line and building face offsets, and recessed balconies.

D. Roof form.

1. **Sloped roofs are required for buildings with a front façade width less than 50 feet.**

2. **Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater. Flat roofs should be avoided.**

3. **Sloped roofs must have a pitch between 6:12 and 12:12. Mono-pitch (shed) roofs must have a pitch of at least 4:12. (Figure 17.74.130-4)**

4. **In instances where sloped roofs are not practicable and a flat roof is the only option, the flat roof must have projecting cornices to create a prominent edge when viewed against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.**

5. **Dual-pitched or hipped "mansard" and A-frame roof forms are not permitted.**

Figure 17.74.130-4. Roof form.

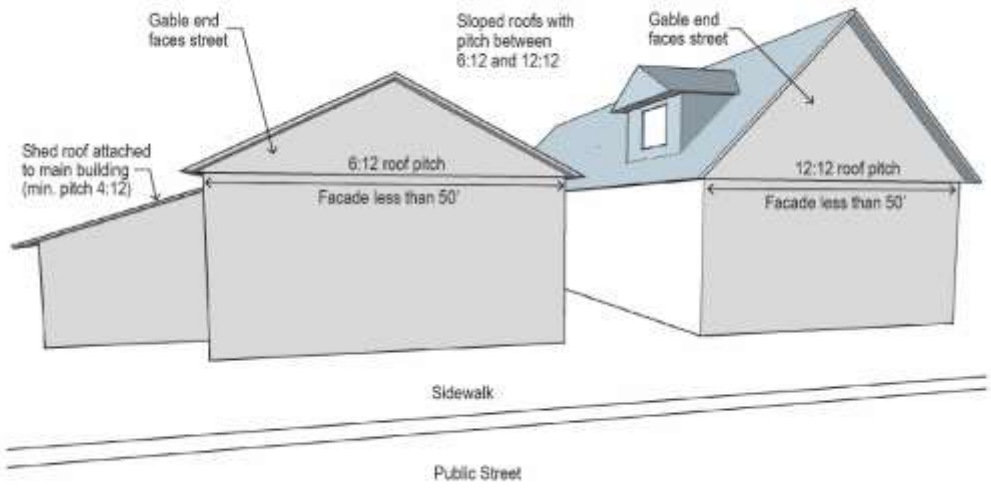


Figure 17.74.130-5. Examples of roof form.

Street-facing gables.

Pitched roof with attached shed roof.

E. Building entrances.

1. **Porches. Useable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.**

2. **Primary entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.**

3. **Accessibility. Each building must have at least one ADA-compliant entrance connecting required parking to the building.**

12. **Building windows.**

1. **Facades facing a public right-of-way. At least 15 percent of the area of each façade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.**

2. **Garage windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.**

G. Building materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.

H. Building colors. Facade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entry ways so as to draw attention to these features.

I. Garage requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.

~~Chapter 17.74~~
~~COMMERCIAL DESIGN STANDARDS~~

~~**Sections:**~~

~~**Article I. General Provisions**~~
~~**17.74.005 Definitions.**~~
~~**17.74.010 Purpose and intent.**~~
~~**17.74.020 Applicability.**~~
~~**17.74.030 Administration of design standards and guidelines.**~~
~~**Article II. Guiding Principles**~~
~~**17.74.040 Guiding principles – Pearls.**~~
~~**17.74.050 Guiding principles – Strings.**~~
~~**Article III. Design Standards and Guidelines**~~
~~**17.74.060 Site design.**~~
~~**17.74.070 Pedestrian circulation.**~~
~~**17.74.080 Building design.**~~
~~**17.74.090 Transportation and streetscape standards.**~~
~~**17.74.100 Pedestrian spaces.**~~
~~**17.74.110 Parking.**~~
~~**17.74.120 Landscaping.**~~
~~**17.74.130 Exterior lighting.**~~

~~Article I. General Provisions~~

~~17.74.005 Definitions.~~

~~**The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the reviewing authority will use its discretion in selecting from professional source materials that are most relevant to the question at hand.**~~

~~**"Accessibility" means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the Americans with Disabilities Act and associated building codes and guidelines.**~~

~~**"Alcove" means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.**~~

~~**"Basement" means the lowest story of a building where 50 percent or more of the floor is located below the grade plane.**~~

~~**"Belt course" means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.**~~

~~"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.~~

~~"Clerestory" means a window that extends from the ground floor of a building to near the top of an outside wall.~~

~~"Corbel" means a projection of a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.~~

~~"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.~~

~~"Facade" means the front or principal face of a building, any side of a building that faces a street, way, or pedestrian space.~~

~~"False front" means a front wall that extends beyond the side walls or rooftop of a building to create a more imposing facade. (See also "Parapet.")~~

~~"Fenestration" means the arrangement and design of windows and doors in a building.~~

~~"Grade" means the surface elevation of the ground.~~

~~"Grade plane" represents the average of the finished ground level adjoining the building at all exterior walls or, for common wall buildings, the exterior walls and common wall. Where the finished ground level slopes away from the exterior wall(s), the reference plane is established by the lowest points within the area between the building and the property line or, where the property line is more than six feet from the building, between the structure and a point six feet from the building.~~

~~"Guideline" means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the design review process. For the purpose of design review, the photographs, illustrations, and diagrams contained in this chapter are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words "shall" or "must," then the illustration is intended as a standard.~~

~~"Height" is measured from the grade plane to the highest point on a flat roof, including any parapet, or to the average height of the highest gable on a pitched or sloped roof.~~

~~"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.~~

~~"Medallion" means a small decorative detail used to accent a building's exterior.~~

~~"Mezzanine" means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.~~

~~"Parapet" means a low protective wall at the edge of a roof.~~

~~"Pearl" means an area on the zoning map designated to support the revitalization or preservation of one of Lincoln City's historic village centers (e.g., Wecoma, DeLake, and Cutler City) by facilitating compact, pedestrian-friendly development at an appropriate village scale and character. The pearl overlay is an interim designation; it is intended to be removed as the city adopts redevelopment plans and specific design standards for a specific pearl, as it has for Oceanlake, Nelscott, and Taft.~~

~~"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.~~

~~"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.~~

~~"Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building facade.~~

~~"Pier" means a portion of a wall between windows, doors or other openings.~~

~~"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.~~

~~"Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-quarter acre and not for recreational use.~~

~~"Portico" means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.~~

~~"Public art" means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the reviewing authority may refer to guidelines and inventories prepared by the city of Lincoln City, the National Trust for Historic Preservation and/or other references it deems appropriate.~~

~~"Spandrel" means the blank space between windows and successive stories, or the area between the top of a column or pier and the apex of the arch springing from it.~~

~~"Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting rounded side up.~~

~~"Standard" means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words "shall," "must," "not permitted," "prohibited," "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a standard.~~

~~"Streetscape" means the interface between development and a public street along the development's street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.~~

~~"String" means any area on Lincoln City's zoning map not included in a designated "pearl."~~

~~"Transom" means a window immediately above a window or door; may or may not be hinged to a transom.~~

~~"Transparency (windows)" means nonreflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.~~

~~"Turret" means a small tower extending above a building.~~

~~"Wayfinding sign" means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.~~

~~**17.74.010 Purpose and intent.**~~

~~**A. These commercial development design standards are intended to enhance and protect the city's quality of life and community image through clearly articulated commercial development design goals and policies and minimum design standards; to protect and promote the city's economic vitality through commercial design standards that encourage and reward high quality development while discouraging less attractive and less enduring alternatives; and to enhance and protect the security and health, safety, and welfare of the public. In addition, the standards are intended to serve as interim design standards for "pearl" areas until such a time that the city adopts specific standards for each pearl.**~~

~~**B. In furtherance of this purpose, the city considers the following design features to be desirable elements of commercial development, and the standards set forth in this chapter are intended to facilitate incorporation of these features into all commercial development projects:**~~

~~**1. Access driveways consistent with LCMC 17.52.060 that provide for safe access and egress with clear visibility of entrances and retail signage.**~~

~~**2. Interconnected driveways with access to local streets wherever possible.**~~

~~**3. Consolidated access and shared driveways, where possible.**~~

~~**4. Continuous landscape frontage, with specific standards based on building orientation and front setbacks.**~~

~~**5. Landscaped and screened parking areas with natural landscape swales for stormwater and aesthetics.**~~

~~**6. Coordinated lighting, retaining walls, street furnishings, public art and landscape design that ties together the highway corridor (i.e., "string" areas between Oceanlake, DeLake, Nelscott, Taft and Cutler City).**~~

~~**7. Visual compatibility with development on adjacent sites.**~~

~~**8. Reduced visual clutter associated with overhead utilities, freestanding signs (in the pearls), rooftop signs (in the strings), and outdoor storage.**~~

~~**9. Quality exterior building materials, surfaces, and textures.**~~

~~**10. Building locations close to street sidewalks and streetscapes that provide pedestrian amenities.**~~

~~**11. Connections between building entrances, sidewalks and associated pedestrian areas to encourage visual and physical integration with a strong sense of place.**~~

~~**12. Stepped-down building scale adjacent to pedestrian routes.**~~

~~**13. Pedestrian-oriented ornamentation and detail at ground level in architectural and landscape designs.**~~

~~**14. Multi-planed pitched roofs with meaningful overhangs and weather protection features such as awnings, canopies and pedestrian arcades.**~~

~~**15. Regular or traditional window rhythm.**~~

~~**16. Articulated building forms and massing with significant wall articulation.**~~

~~**C. In furtherance of this purpose, the city considers the following design features to be undesirable elements of commercial development:**~~

~~1. Poorly defined site access points.~~
~~2. Excessive surface parking lot paving and redundant driveways.~~
~~3. Disjointed parking areas, confusing or unsafe circulation pattern.~~
~~4. Square, box-like structures with large, blank, unarticulated wall surfaces.~~
~~5. Highly reflective surfaces or heavily tinted glass storefronts.~~
~~6. Strongly thematic architectural styles including some forms of franchise architectural styles associated with some chain commercial establishments.~~
~~7. Inadequate landscape buffers adjacent to parking lots, walkways, streets, and the highway.~~
~~8. Visible outdoor storage, loading, and equipment areas.~~

~~17.74.020 Applicability.~~
~~A. This chapter applies to all commercial and mixed use development in the General Commercial and Recreation Commercial zones for which site plan review is required, except where superseded by a specific plan district or overlay zone (e.g., Oceanlake and Taft) established for a similar purpose. Different standards apply depending on whether a property is within a designated "pearl" or "string" district.~~
~~B. Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; however, where more than 50 percent of the use or development is to be modified, the entire use or development, as applicable, shall comply with the provisions of this chapter.~~
~~C. The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter.~~
~~D. Where conflicts occur between the design standards and other municipal code regulations or other ordinances, the provisions of this chapter shall apply.~~
~~E. Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations.~~

~~17.74.030 Administration of design standards and guidelines.~~
~~A. Site Plan Review. For properties within the RC and GC zones, site plan review required by LCMC 17.52.240 must include review of these commercial design standards. The site plan review process is an administrative review by the planning director. The planning director may refer any site plan review application to the planning commission for a public hearing when:~~
~~1. The applicant has requested an adjustment or modification to one or more code standard(s), as provided in subsection (D) of this section; or~~
~~2. The applicant requests a hearing; or~~
~~3. The planning director determines that the size or scale of the development (vis-a-vis its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.~~

~~**B. Design Standards Versus Guidelines. The code sections that follow provide intent statements, followed by standards and guidelines. Most sections contain objective standards and approval criteria; however, some criteria require the reviewing body to apply discretion. Where discretion is involved, the code provides guidelines to assist the reviewing body in evaluating a proposal. The following further explains the relationship between intent statements, standards and guidelines.**~~

~~**1. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.**~~

~~**2. Standards use the words "shall" or "must" and are mandatory.**~~

~~**3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.**~~

~~**4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.**~~

~~**5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.**~~

~~**6. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.**~~

~~**7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified (severability).**~~

~~**C. Burden of Proof. The applicant must demonstrate how his or her proposal meets all of the applicable standards contained in this chapter and other applicable city regulations. The applicant must also demonstrate that the proposal is consistent with the guidelines, or provide evidence of why a particular guideline is not relevant given the context of the site and proposed use.**~~

~~**D. Adjustments/Modifications to the Standards. The standards contained in this chapter may be adjusted or modified without the need for a variance if the applicant demonstrates that:**~~

~~**1. The code's guiding principles, as contained in Article II of this chapter, and the intent statement(s) under the applicable standard to be adjusted (Article III of this chapter) can be better met through a proposed alternative design solution; or**~~

~~**2. Necessary characteristics of an allowed use present practical difficulties in meeting a standard. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).**~~

~~**Where the code language suggests more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design**~~

~~solution given the site's context and the purpose of the code. The decision-making body shall refer to the purpose and intent in LCMC 17.74.010, and the intent under each standard to be adjusted, in making its decision; the purpose, guiding principles and intent statements shall serve as the approval criteria for adjustments.~~

~~Article II. Guiding Principles~~

~~17.74.040 Guiding principles – Pearls.~~

~~The following are intended to serve as interim design standards for areas zoned GC-PO and RC-PO until the city adopts redevelopment plans and implementing regulations for such areas. The standards reflect the following values and objectives:~~

~~A. Enhance Lincoln City's historic village centers.~~

~~B. Facilitate the development of compact, walkable village centers.~~

~~C. Support the formation of a mixed use, pedestrian-oriented district serving residents and visitors.~~

~~D. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared private off-street parking.~~

~~E. Encourage architecture that is consistent with the character of each village or pearl, while ensuring that new development creates a close, intimate human scale and architectural designs address all four sides of a building.~~

~~F. Encourage the use of contextually appropriate materials, textures and colors.~~

~~G. Promote storefront uses by orienting buildings and their entrances to the street or to pedestrian spaces abutting the street.~~

~~H. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.) oriented to take advantage of southern exposures; pedestrian spaces should help identify the village, create intrigue, and offer weather protection and comfort to pedestrians while adding value to adjoining properties.~~

~~I. Break down large building masses and provide visual interest along the street.~~

~~J. Balance rhythm and continuity; encourage creativity in the design of building elevations, rooflines and facade elements.~~

~~K. Treat corner lots as focal points with vertical elements, public art, seating, and other design features.~~

~~L. Provide weather protection where commercial and mixed use buildings abut the street.~~

~~17.74.050 Guiding principles – Strings.~~

~~A wide variety of site conditions within the commercial areas of the community make uniform application of design standards difficult. Most of the string areas are developed with commercial uses, although some are sparsely developed. Some buildings are placed right up to the highway; others are set back 100 feet or more behind large parking lots. In many locations, grade changes make connections between individual properties difficult and have resulted in a disjointed pattern with closely spaced driveways onto the highway and few secondary accesses or local street connections. The design standards for strings are intended to accomplish the following objectives:~~

~~A. Improve transportation operations and safety for all modes of travel.~~
~~B. Better integrate land use and transportation planning.~~
~~C. Protect and enhance aesthetic values.~~
~~D. Contribute to the unique identity and design of each pearl (e.g., by providing landscape and building orientation standards that distinguish between strings and pearls).~~

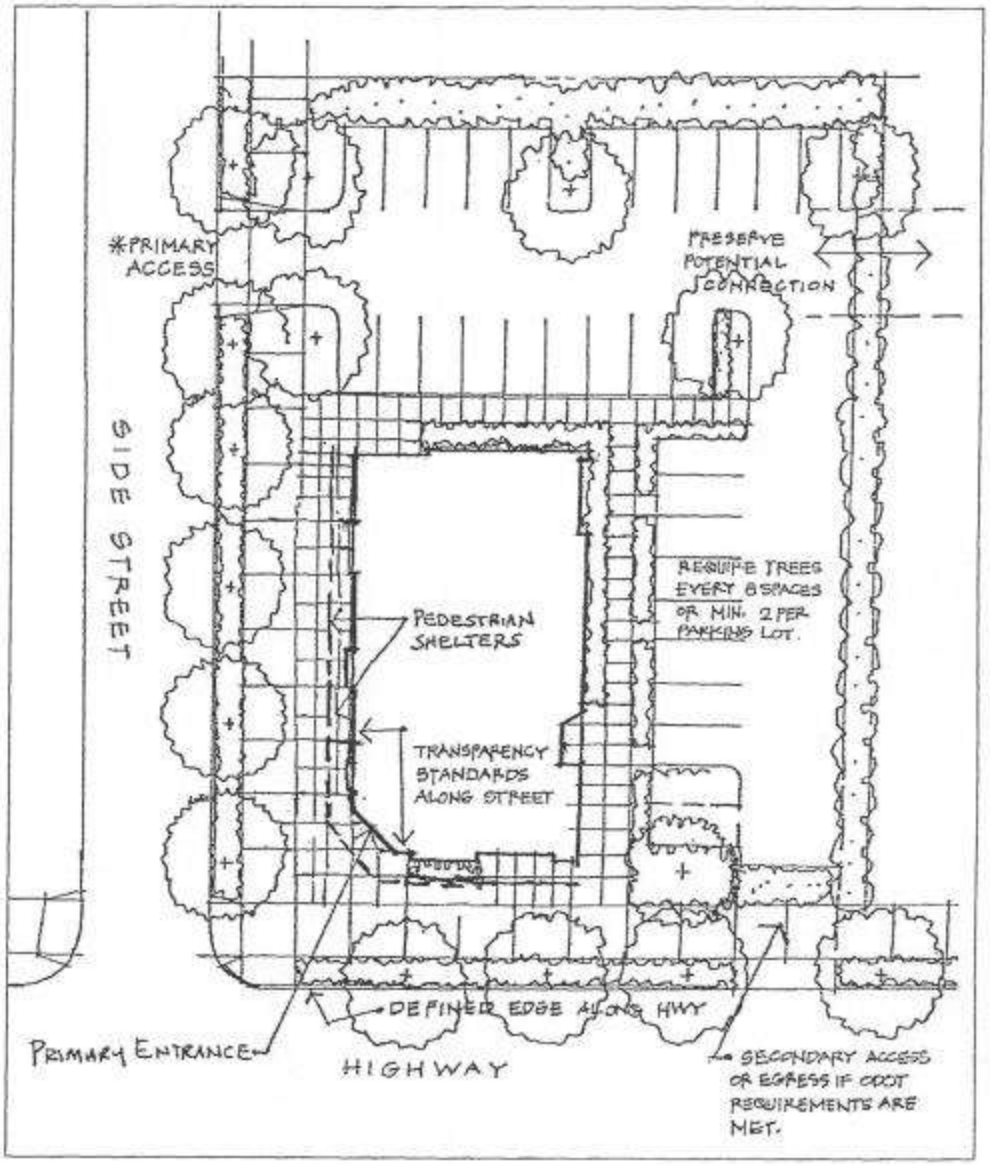
~~Article III. Design Standards and Guidelines~~

~~17.74.060 Site design.~~
~~A. Intent.~~
~~1. Define the edges of the highway with noticeable transitions between strings and pearls.~~
~~2. Institute a continuous landscape frontage. Utilize planters with shrubs and street trees in tree wells where space does not allow planting strips.~~
~~3. Orient buildings to streets or, where buildings are to be set back from the street, require pedestrian orientation and appropriate landscaping.~~
~~4. Maintain on-street parking where it currently exists.~~
~~5. Over time, remove visual clutter along streets, such as power poles, overhead lines, rooftop signs, and internally illuminated freestanding signs.~~
~~6. Use coastal vegetation in landscapes.~~
~~7. Use landscapes and building orientation to create visual transitions between pearls and strings.~~
~~8. Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs where practicable.~~
~~9. Facilitate the development of a continuous pedestrian network and bicycle ways connecting pearls and strings and extending into adjacent neighborhoods.~~
~~10. Reduce reliance on the highway for local vehicle trips (e.g., from one store to another store in the same vicinity).~~
~~11. Develop an interconnected system of driveways or alleys with central public parking and encourage the provision of shared off-street parking.~~
~~B. Standards. Due to the wide variety of site conditions and challenges posed by existing parcel configurations and development patterns, the city has adopted flexible, performance-based site design standards.~~
~~1. Building Setback, Orientation and Pedestrian Circulation. In determining the specific access, circulation, building orientation, and street frontage requirements for a particular project, the applicant, in consultation with the planning director, shall select from prototypes in subsections (B)(1)(a) through (f) of this section. Within pearl areas, at least 50 percent of the street-facing elevation of new buildings must be within 20 feet of the right-of-way, or the primary building entrance must be within 10 feet of the right-of-way and directly connected to a public sidewalk. New buildings within string areas shall be not more than 40 feet from public right-of-way or shopping street, consistent with the performance standards in this section. Primary building entrances may be oriented to a front yard or a side yard, consistent with the standards specified in subsections (B)(1)(a) through (f) of this section.~~

~~**a. Corner Property. On corner properties designated "pearl," buildings shall be oriented to the corner, with vehicle access provided from a side street. Primary building entrances shall be located within 20 feet of a street right-of-way. The building shall meet transparency and weather protection standards along all street-facing elevations. If the primary building entrance is more than 20 feet from the sidewalk, a minimum 10-foot landscape pedestrian space shall connect them.**~~

~~**If a property is designated "string," the building entrance need not be oriented to a corner; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way, except where the screen is interrupted for walkways required by code. See LCMC 17.74.120, Landscaping.**~~

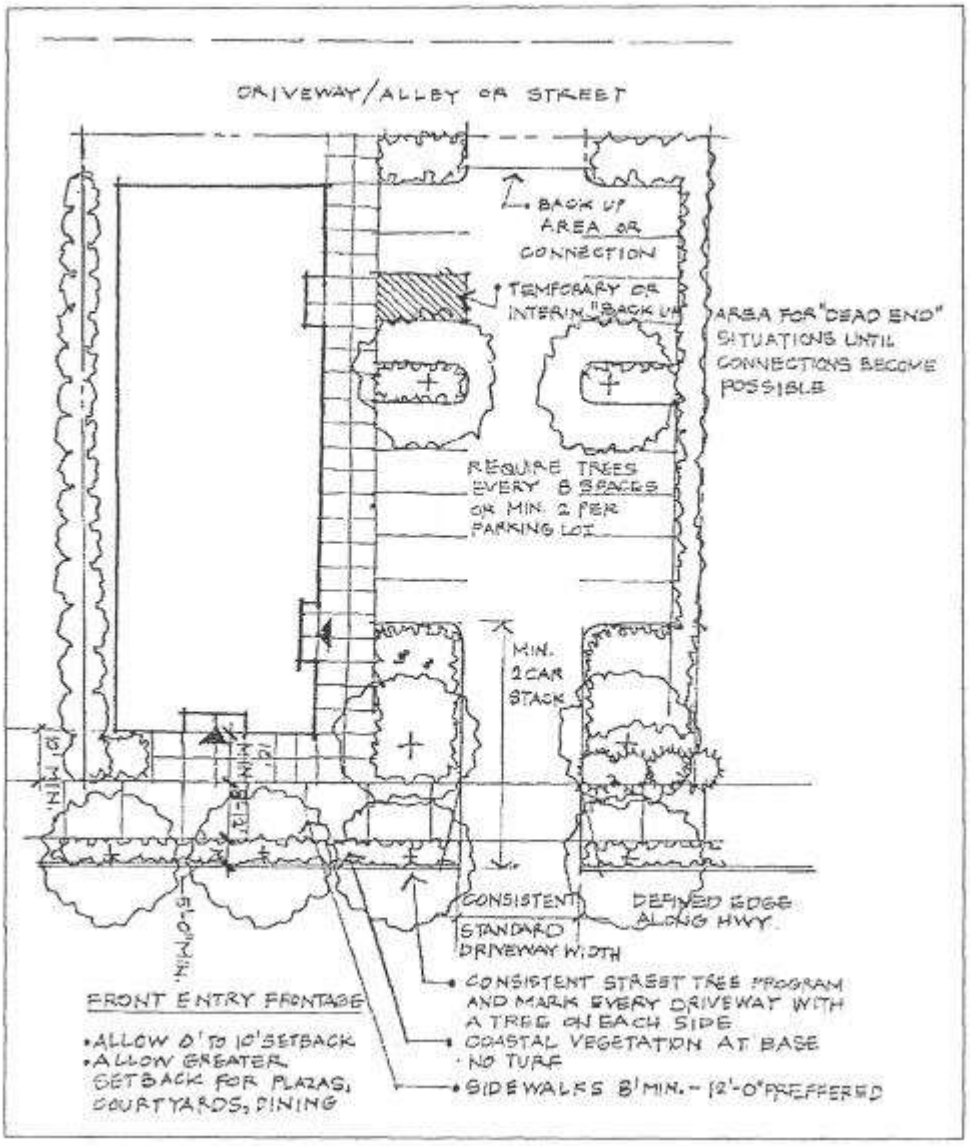
~~**Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~



b. Front Entrance at Street. On non-corner parcels designated "pearl," the building shall be oriented to the street and have a primary entrance placed at or within 10 feet of the right-of-way. This maximum setback distance may be increased only where a pedestrian space of not less than six feet in width connects the sidewalk and primary building entrance, and no parking is allowed between them. The building shall meet weather protection and transparency standards along all street-facing elevations.

~~If a~~ **property is designated "string," the building entrance need not be placed within 10 feet of the street edge; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.**

~~**Highway access is subject to ODOT review and approval. A connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~

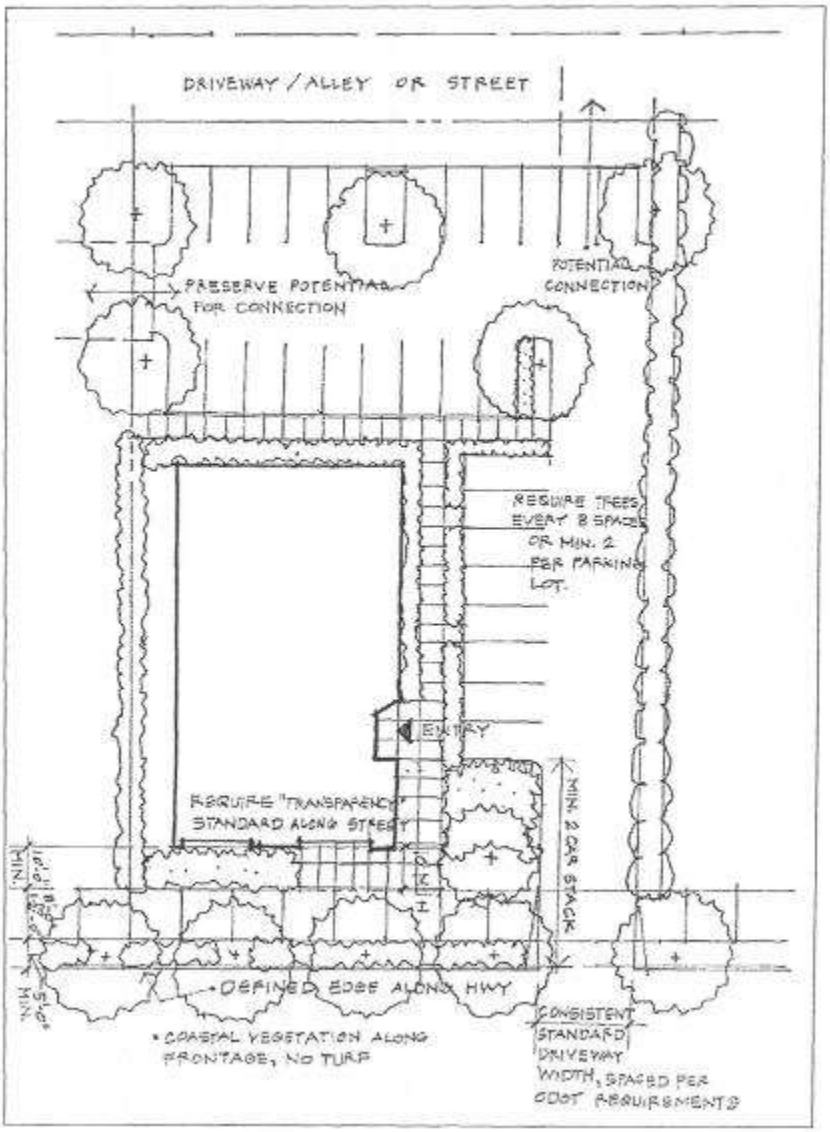


~~**c. Building at Street with Side Entrance. On properties designated "pearl," and where the planning director determines that a building may have its primary entrance placed on a side elevation not facing a street, a primary building entrance shall be placed within 40 feet of a street right-of-way, and a pedestrian pathway shall connect the entrance directly to the right-of-way. No parking shall be located between the building and any street frontage. The building shall meet weather protection and transparency standards on all street-facing elevations.**~~

~~**If the primary building entrance is more than 20 feet from the sidewalk, a pedestrian space of not less than six feet in width shall connect them. See LCMC 17.74.100, Pedestrian spaces.**~~

~~**Where a property is designated "string," the building entrance need not be placed within 40 feet of a street right-of-way, and surface parking may be located between the building and street; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.**~~

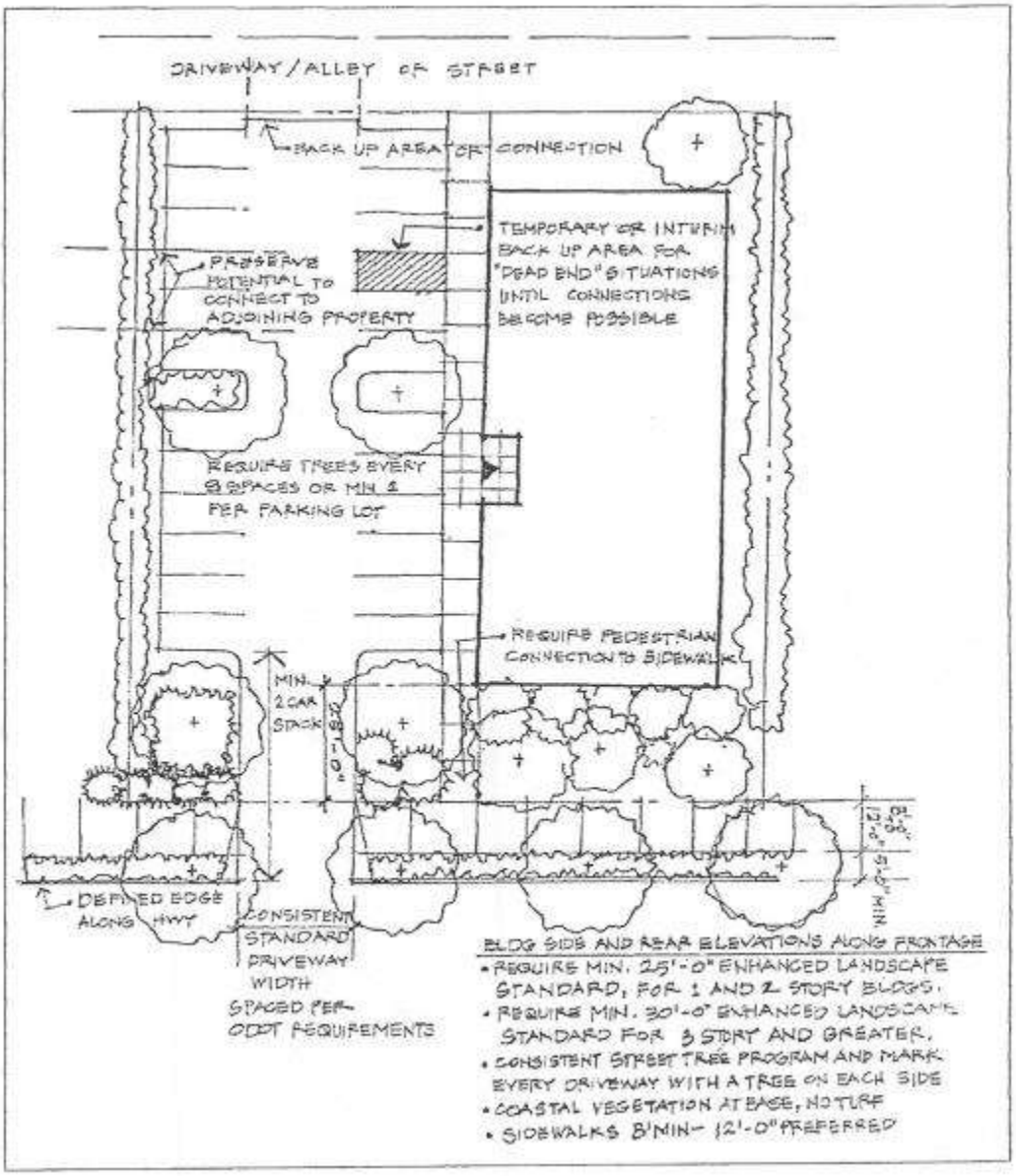
~~**Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection cannot be made, may be required.**~~



~~**d. Building Set Back with Side Entrance. Where the planning director determines that a building may be oriented to an internal parking area and it may have its primary entrance placed on a side elevation (strings only), the following standards shall apply: all street-facing elevations and elevations on which a primary building entrance is placed shall meet the transparency and weather protection requirements of this code.**~~

~~No parking shall be located between the building and street; buildings with primary entrances more than 40 feet from the street edge need not meet weather protection and transparency standards along the street frontage; provided, that a landscape buffer of 25 to 30 feet in width shall be planted in front of those portions of the wall facing the street that do not meet the standards. (Plantings shall conform to the "volume landscape" requirements of this code.) See LCMC 17.74.120, Landscaping.~~

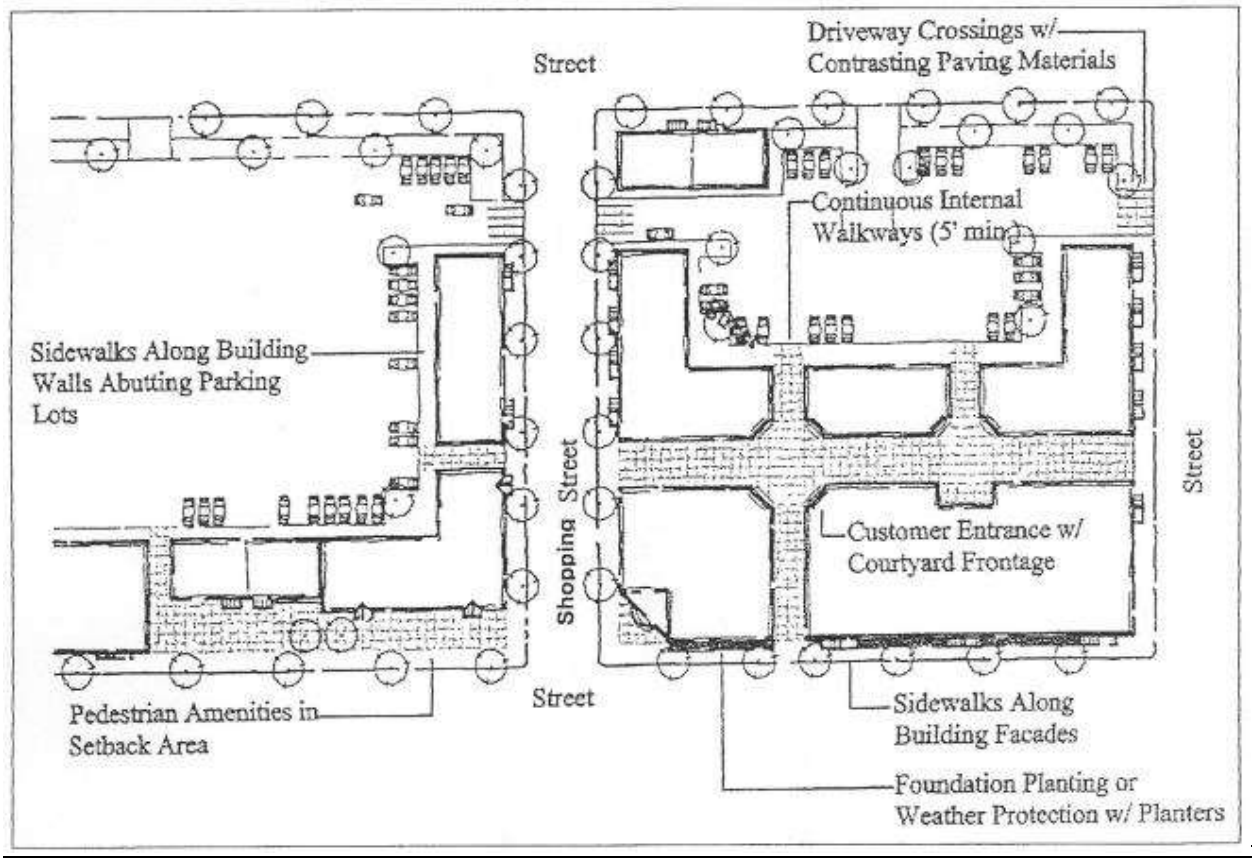
~~Highway access shall be subject to ODOT review and approval; a connection to a rear alley or shared driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~

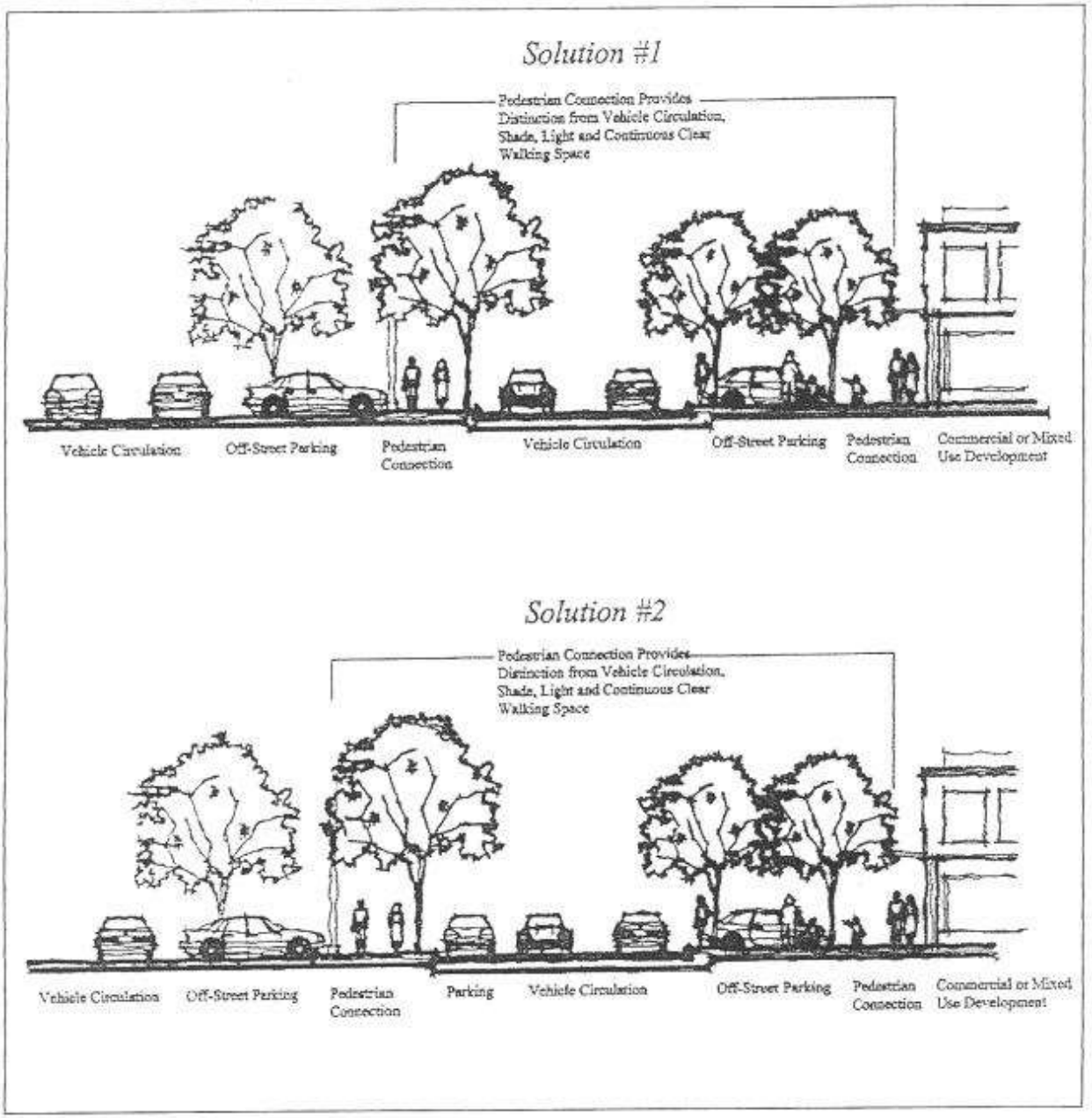


~~e. Parking in Front. Where the planning director finds that multiple buildings and/or building pads should be set back from the street right-of-way behind surface parking~~

~~and oriented to internal driveways instead of streets (strings only), such driveways shall be designed as "shopping streets." Shopping streets shall contain, at a minimum, on-street parking, sidewalks/walkways with raised curbs, street trees and pedestrian lighting, as generally shown below. Such buildings may have their primary entrance(s) placed along the shopping street instead of a public street; in such cases, primary building entrances shall be within 10 feet of a walkway (eight-foot minimum width), except where a pedestrian space (e.g., plaza or outdoor seating area) is provided, the setback may be increased accordingly. Surface parking shall be set back and screened from the street right-of-way behind a 20-foot (minimum width) landscape buffer. Buildings shall meet weather protection and transparency standards along all shopping streets. See LCMC 17.74.080, Building design, and LCMC 17.74.120, Landscaping.~~

~~Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~



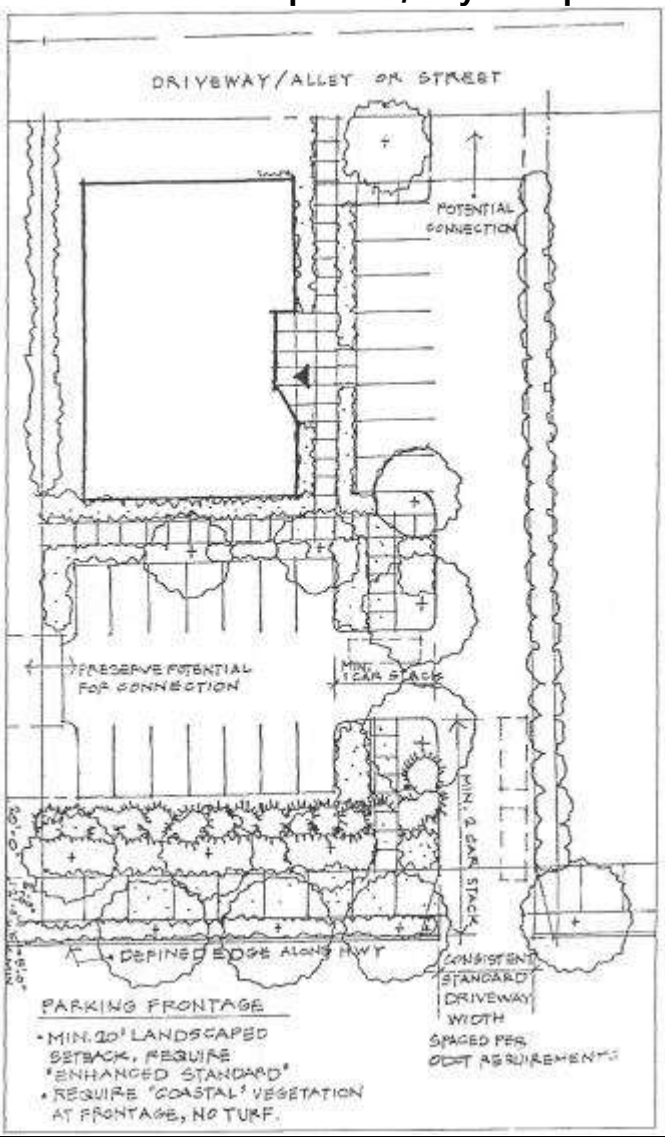


~~**Examples of internal shopping streets that meet the building orientation requirement when building(s) are not oriented to the highway (strings only). Note: The above driveways do not have to extend through to Highway 101; provided, that a pedestrian connection is made to required sidewalk.**~~

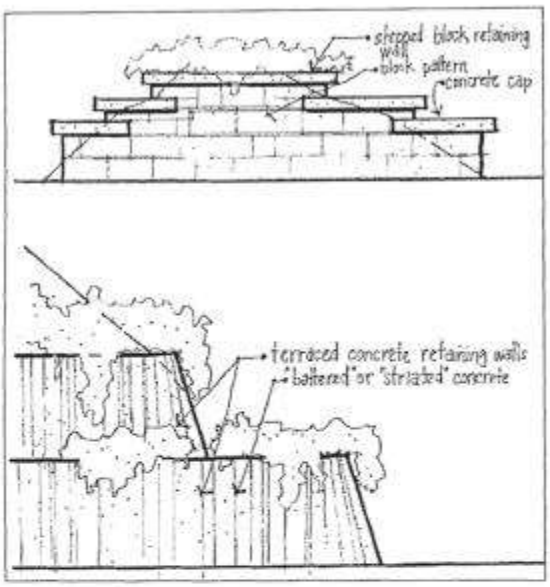
~~**f. Parking in Front without Shopping Street. Where the planning director finds that it is necessary to place surface parking between a building's primary entrance and the highway or other public street (strings only), and it is not possible to develop an internal shopping street as described above, e.g., due to the small size of a property, its configuration, or other physical site constraints, then the following standards shall apply: all surface parking and internal drives shall be set back at least 20 feet from the**~~

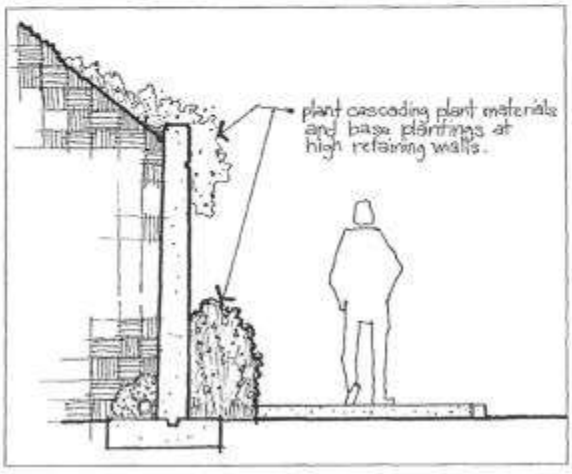
~~street right-of-way behind a landscape buffer; adequate vehicle queuing distances shall be provided between the highway right-of-way and all parking areas, subject to review and approval by ODOT; a six-foot minimum width walkway shall connect the primary building entrance to a public sidewalk with three-foot minimum width planter strips placed between such walkways and abutting driveways; raised or textured paving with ADA wheelchair accessible ramps shall be provided at all pedestrian crossings of vehicle areas; and provisions shall be made for potential future driveway extensions as adjacent properties are developed or street connections can be made. See also LCMC 17.74.120, Landscaping.~~

~~Highway access is subject to ODOT review and approval; connection to a rear alley or abutting driveway (where applicable), or a temporary turnaround where such connection is not possible, may be required.~~



~~2. Property with Grade Change. Where retaining walls are required adjacent to a public right-of-way (strings or pearls), they shall incorporate rusticated concrete block, striated or battered concrete, or natural stone. Applications for site plan review shall include proposed retaining wall detail drawings.~~





~~17.74.070 Pedestrian circulation.~~

~~Pedestrian facilities shall be provided in accordance with the site design standards in LCMC 17.74.060.~~

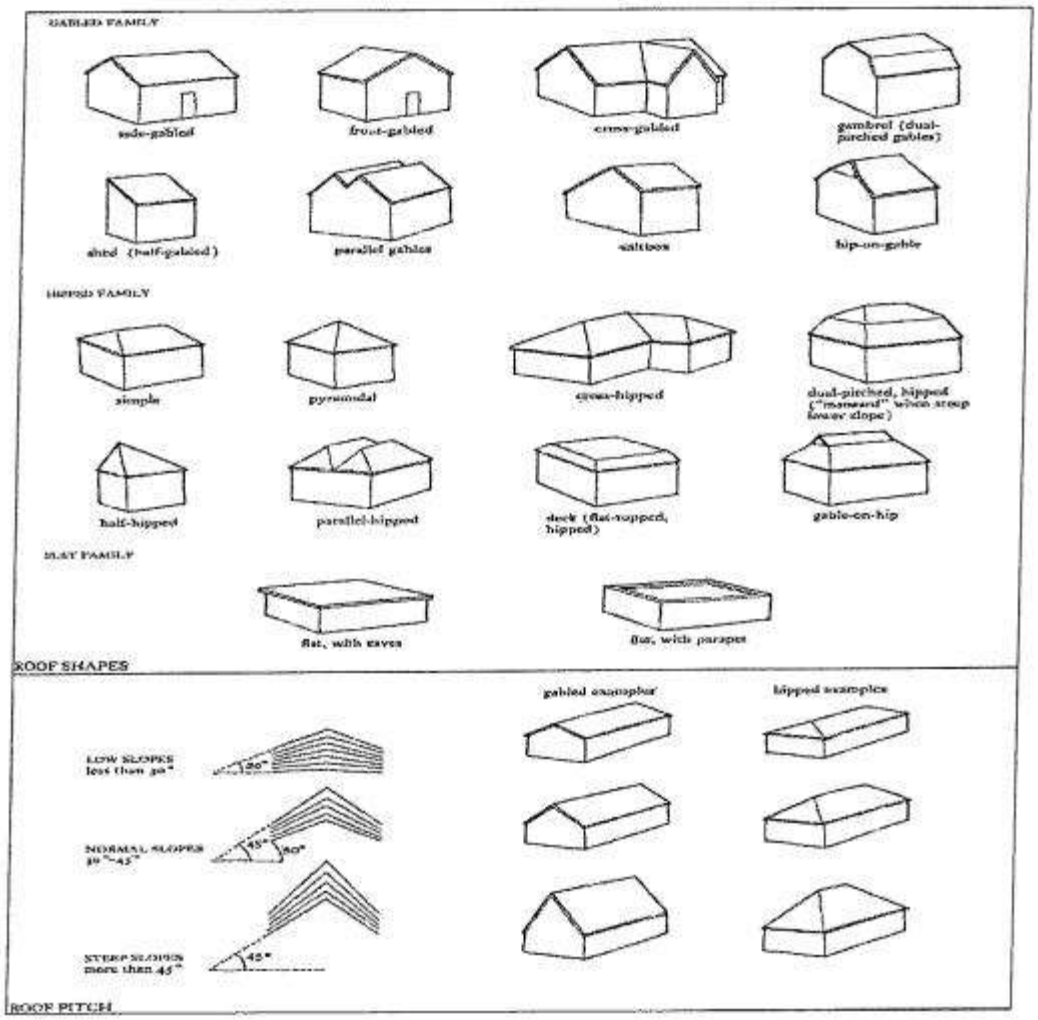
~~17.74.080 Building design.~~

~~A. Intent. The building design standards reflect the following community values:~~

~~1. Eclectic coastal architecture.~~

~~2. Building orientation to streets to create a sense of enclosure and human scale.~~

~~3. Articulated building facades to break up large volumes and promote human scale.~~
~~4. Contextually appropriate materials, textures and colors.~~
~~5. Storefront character (windows, pedestrian shelter, furnishings, etc.).~~
~~6. Corner buildings that serve as focal points with vertical elements, furnishings and/or public art.~~
~~B. Standards.~~
~~1. Height.~~
~~a. Maximum Height. Maximum height is established by the underlying zone.~~
~~b. Minimum Height. Buildings within pearls (GC-PO or RC-PO zoned properties) shall be built to a height of not less than 18 feet where those buildings are required to orient to a public right-of-way. The minimum height is intended to maintain a sense of enclosure of the street. Single-story buildings shall incorporate parapets, towers or other design elements that reach the minimum height.~~
~~2. Building Form.~~
~~a. Overall Design. Architectural designs shall address all four sides of a building, for example by continuing architectural elements (e.g., articulation, materials, detailing, etc.) around building corners. New buildings should not mimic any other building in their form or detailing, but instead should reflect the predominant form(s) within each pearl or string, as applicable, while expressing individuality.~~
~~b. Stepped Rooflines. Height should vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or slightly dissimilar height from building to building. Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the ground floor, and by having the taller building reference elements or detailing of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section concerning storefront character.~~
~~c. Roof Forms. Roof designs shall conform predominately to one of the following: flat with stepped parapet, gabled, or hipped. Secondary roof forms may include towers, dormers, turrets or other features with rounded (e.g., split-barrel), shed (e.g., dormer), pyramidal, or crossing elevations. Gambrel, dual-pitched (e.g., hipped "mansard"), deck (flat-topped, hipped), A-frame, and similar roof forms are discouraged. Where roofs are pitched, a minimum pitch of at least 30 degrees should be maintained.~~



~~3. Window Transparency.~~

~~a. Applicability. The window transparency requirement does not apply to the auditorium portion of a theater (but does apply to the lobby and concession area), to the guestroom portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family dwellings (but does apply to the commercial parts of mixed use buildings incorporating multiple-family dwellings).~~

~~b. Standard. Consistent with a desired storefront character, and to avoid the creation of large blank walls, buildings shall have large display windows, windowed doors and transom windows. In the pearls this standard is met when the ground floor, street-facing elevation of a building between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade is comprised of at least 60 percent transparent windows. In the strings, this standard is reduced to 40 percent. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings not containing a street-facing elevation, such as those that are set back behind~~

~~another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the transparency standard on all elevations abutting pedestrian space(s) and on elevations containing a primary entrance. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~4. Building Orientation. New buildings shall be placed consistent with the performance standards in LCMC 17.74.060, Site design.~~

~~5. Primary Entrances. Buildings shall have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet (e.g., either by recess, overhang, canopy, portico and/or awning) extending from the building entry. See also subsection (B)(14) of this section, Pedestrian Shelters.~~

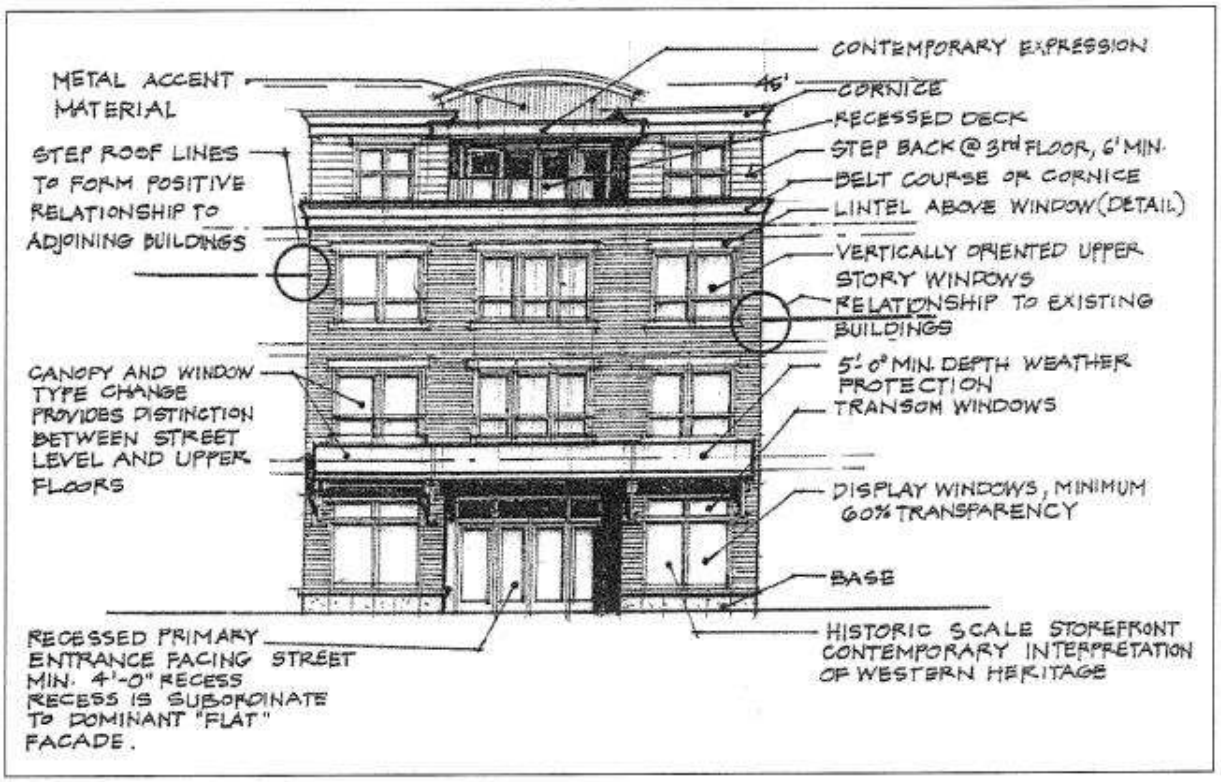
~~6. Secondary Entrances. Buildings in pearl areas should provide at least one entrance for every 40 feet of street frontage, consistent with a walkable storefront character. Where it is not practical to provide entrances every 40 feet (e.g., a large building is designed for only one or two uses requiring street access), building entries may be spaced an average of 90 feet apart or less.~~

~~7. Armature of the Block. In pearl areas, where practical, the width of buildings should extend from side lot line to side lot line, to create a human scale and to maintain continuity of the storefront character.~~

~~8. Building Mass (Strings and Pearls).~~

~~a. Articulation. Building elevations shall incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Elevations of a structure shall be divided into smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space or adjacent property. When an elevation of a primary structure is more than 800 square feet in area, the elevation must be divided into distinct planes of not more than 800 square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one foot from the adjacent plane, for a length of at least six feet. Changes in plane may include but are not limited to recessed entries, bays, stepped parapets, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features that are consistent with the overall composition of the building. See also subsection (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Street Level/Upper Floor. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~



~~Figure 17.74.080-1: Example of acceptable building elements (applicable to single- or multi-story buildings).~~

~~9. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.~~

~~10. Openings.~~

~~a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3) of this section and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~b. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a width that is no greater than the width of the ground floor windows. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~

~~c. Projecting Windows, Display Cases. For durability and aesthetic reasons, display cases, when provided, shall be integral to the building design (not affixed to the exterior) and contain trim or other detailing consistent with the overall composition of the building.~~

~~d. Entrances. Ground level entrances shall be at least partly transparent. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.~~

~~e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy,~~

awning, or other weather protection shelter. Where drive-up windows or similar automobile-oriented uses are provided, they shall conform to the standards in LCMC 17.32.040.

f. Corner Entrances. Buildings on corner lots should have corner entrances, consistent with LCMC 17.74.060, Site design. Such entrances are not required to be recessed, but shall have an awning or canopy of at least five feet in depth for weather protection. Where a corner building is to be built in a pearl area but does not have a corner entrance, it shall provide for a corner plaza consistent with LCMC 17.74.100, or architectural features shall be provided honoring the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through site plan review. (See also LCMC 17.74.100, Pedestrian spaces.)

g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features should be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.). The approval body may require modifications to a proposed design to address scale and proportion.

11. Horizontal Rhythms.

a. Horizontal Lines. New building designs and exterior remodels should establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)

b. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)

c. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom of the lower windowsills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)

Figure 17.74.080-2: Rhythm, massing, and building openings.

12. Vertical Lines. New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a human scale. Building designs for corner properties in pearl areas should accentuate the corner location with a vertical element. (Recommended: Figure 17.74.080-3.)

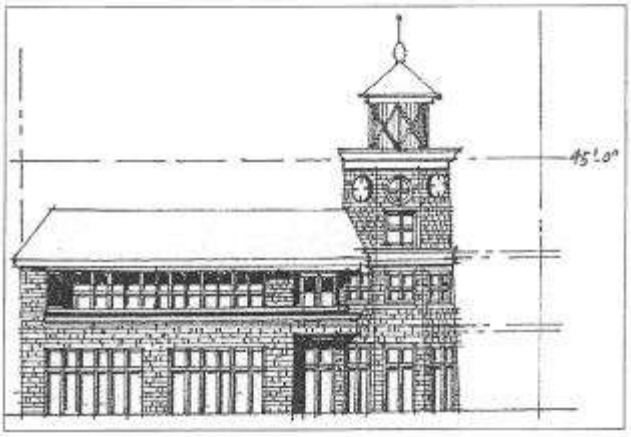


Figure 17.74.080-3: Example of vertical element and desirable building height on a corner property in a pearl.

13. Materials and Color.

a. Primary Materials. Exterior building materials shall predominately consist of painted or natural stain wood, stone, brick, rusticated concrete block (warm tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the

~~primary exterior cladding. The following may not be used as primary cladding on new buildings: corrugated metal, foam/synthetic stucco, and similar materials as determined by the decision body. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute Materials, of this section.~~

~~b. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.~~

~~c. Secondary Materials. Any of the materials listed as primary materials may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through site plan review.~~

~~d. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsections (B)(13)(a) and (c) of this section may be approved at the discretion of the reviewing authority through site plan review. The applicant will be required to provide specifications from the manufacturer.~~

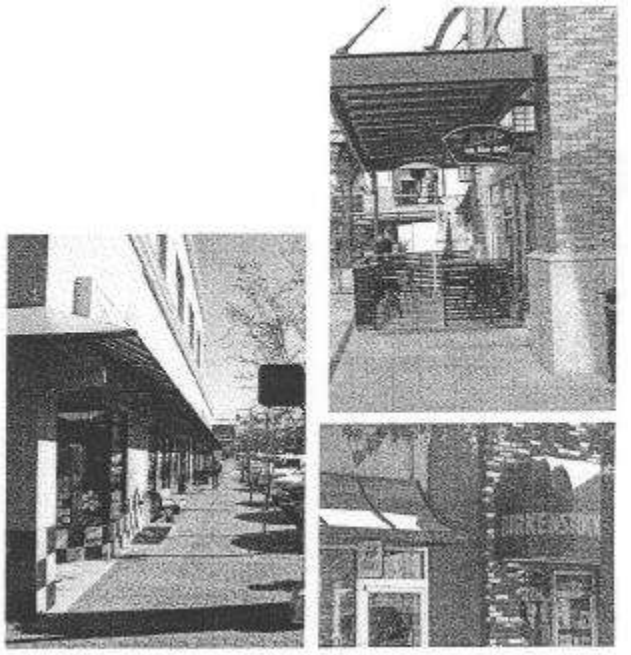
~~e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each 25 feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.~~

~~f. Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Buildings that resemble suburban strip-malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar non-traditional features are discouraged.~~

~~g. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over) to the extent practicable.~~

~~14. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 60 percent of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area, shed rain away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building's architectural details. If~~

~~mezzanine or transom windows exist, the shelter shall be below such windows where feasible.~~



~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the overall composition of the building. Actual designs should address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.~~

~~15. Mechanical Equipment.~~

~~a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators, antennas, satellite dishes, or similar equipment is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view from all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its appearance shall be minimized or screened using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternative locations exist; such equipment shall be placed on a side or rear elevation when practicable.~~

~~b. Rooftops. Rooftop mechanical units shall not be visible from any street.~~

~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.090 Transportation and streetscape standards.~~

~~A. Intent. The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective.~~

~~Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.~~

~~B. Standards. In addition to site design standards in LCMC 17.74.060, the following provisions apply to all new development:~~

~~1. Transportation Plan Conformity. New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the city's transportation system plan (TSP) and the standards in LCMC 17.74.060. When streetscape improvements are required of new development, such improvements shall conform to the TSP.~~

~~2. A connection to a rear alley or shared driveway (where applicable) may be required, or where such connection cannot be made, a temporary turnaround may be required.~~

~~3. Streetscapes. Where a project is subject to a redevelopment plan, it shall conform to applicable streetscape provisions (e.g., sidewalks, street furnishings, etc.) of the redevelopment plan. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

~~17.74.100 Pedestrian spaces.~~

~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for the pearl areas should be offset by pedestrian spaces along building frontages and in breaks between buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Therefore, projects within pearl areas are required to contribute their proportionate share of pedestrian space. String area projects are encouraged to incorporate appropriate pedestrian space. Pedestrian spaces count toward the required minimum landscape area in each zone.~~

~~B. Standards.~~

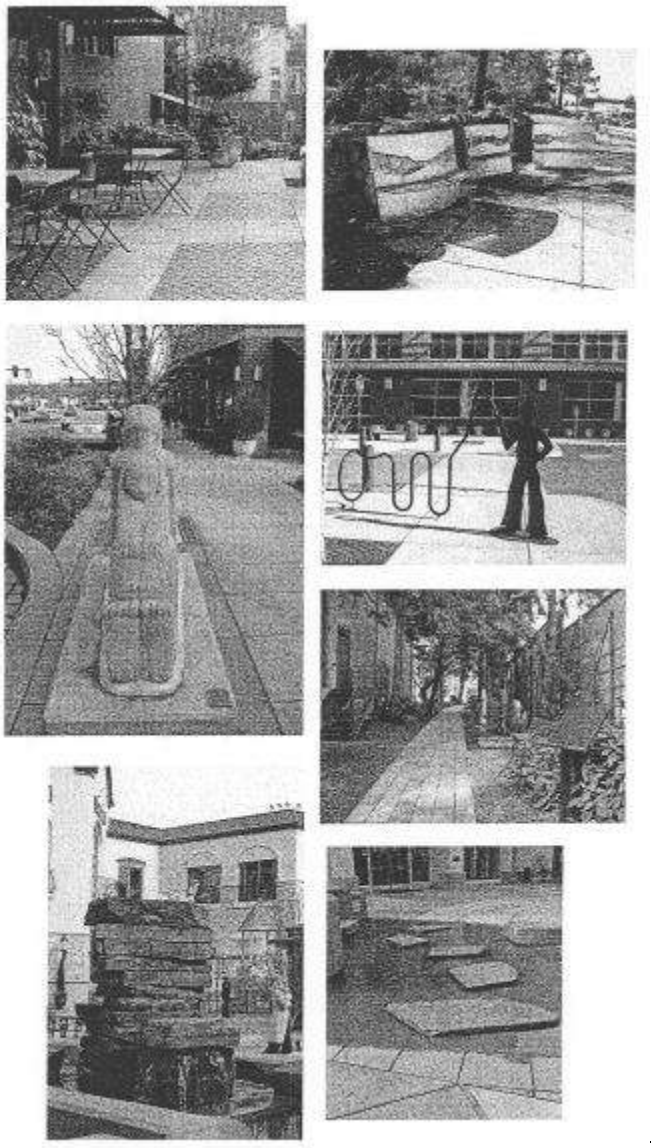
~~1. Pedestrian Space Standard. At least three percent of every pearl development site, except for residential developments, shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.~~

~~The reviewing authority may find that the creation of pedestrian space is not practicable based on the project location or other relevant factors. In such cases, the city may accept an in-lieu fee equal to the fair market value of the land and improvements that would~~

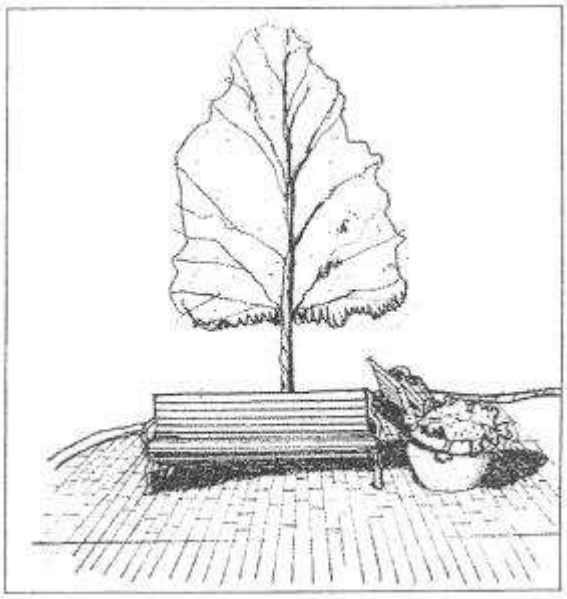
~~have otherwise been required. The fair market value shall be determined after the city approves the site plan review application and before issuance of any building permits on the project.~~

~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet.~~

~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city. (Recommended: Figures 17.74.100-1 and 17.74.100-2.)~~



~~Pedestrian spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.~~



~~Figure 17.74.100-1: Example of a small pedestrian space containing approximately 64 square feet.~~

~~4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the one-half of one percent requirement. (See Figure 17.74.100-2.) Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the planning and community development director.~~

~~5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage storage areas are not counted in the pedestrian space(s) required under subsection (B)(1) of this section. Such facilities shall be screened completely from view and set back 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.~~

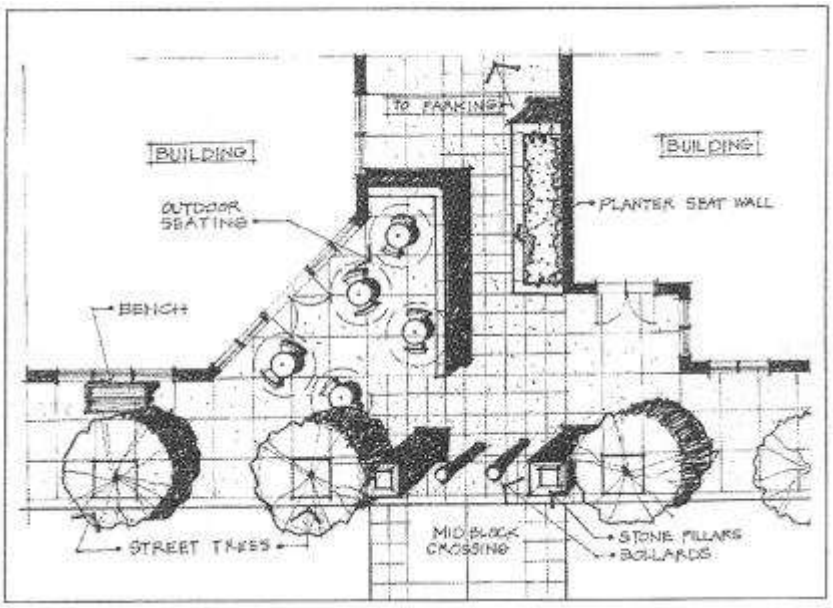


Figure 17.74.100-2: Example of preferred types of pedestrian amenities, shown with access way between buildings leading to an internal parking area or street end.

17.74.110 Parking.

The off-street parking standards are the same as provided in Chapter 17.56 LCMC, except that credit toward minimum parking standards shall be granted for on-street parking spaces abutting the development. Shared parking between uses is allowed, in conformance with LCMC 17.56.060.

17.74.120 Landscaping.

A. Intent. Lincoln City is identifiable, in part, by its shore pines and other coastal vegetation. While it is inevitable that some existing trees will be removed with new development, native vegetation should be preserved where practicable or otherwise replanted in required landscape areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these reasons, as well as for aesthetic reasons, the city requires that all new developments and redevelopment projects attempt to save mature vegetation that is not within building envelopes and provide landscaping in surface parking areas, as buffers between uses, within street planter strips, and to soften the appearance of large building elevations. Landscaping must conform to the following provisions, in addition to those in LCMC 17.52.100.

B. Standards.

1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within building envelopes and not within areas that are required to be graded or excavated (e.g., for utilities, foundations, and driveways) into the project's landscape design to the greatest extent practicable. Where mature tree removal is unavoidable

~~(e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standards or the loss of mature trees as described under subsection (B)(1) of this section.~~

~~3. Minimum Landscape Standards.~~

~~a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four feet in depth, and interior landscaping covering at least 10 percent of the entire vehicular use area.~~

~~The planning commission may reduce the minimum landscape area to not less than five percent where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit; provided, that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from public rights-of-way including the beach. Areas with preserved trees are counted toward the required parking lot landscaping.~~

~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum dimension of at least four feet and, on parking lot islands and in park strips along a street, shall contain at least one tree. All remaining land in the landscape area shall be covered by a combination of shrubs, ground cover plants or other city-approved nonvegetative ground cover.~~

~~c. All required buffer strips, screens, and other required landscape areas shall be planted at a density to ensure the intended buffering or screening intent is met; in no case shall a landscape area have less than one tree per 200 square feet of surface or less than one shrub per 50 square feet of area.~~

~~d. Required trees and shrubs shall be non-invasive species that are known to thrive in the northern Oregon coastal environment.~~

~~e. The following guidelines apply:~~

~~i. Vegetation native to the Pacific Northwest coast is encouraged;~~

~~ii. Turf and grass is discouraged, except in residential developments;~~

~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of Recommended Species, or species recommended by a licensed nurseryman as being suitable for the local climate, as approved by the planning director.~~

~~f. Trees shall be at least two-inch caliper at time of planting.~~

~~g. When tree mitigation is required, the number of mitigation trees required shall be equal to the total number required to achieve at least half of the number of inches of mature tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is removed, then at least two three-inch trees of the same or comparable species shall be planted. Alternatively, the reviewing authority may require fewer trees of a larger size be planted.~~

~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.~~

~~i. Shrubs shall be at least three-gallon size when planted.~~

~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within two years.~~

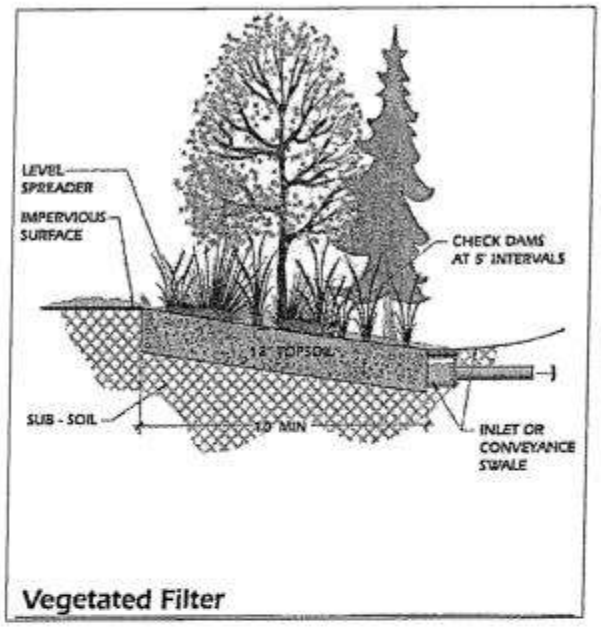
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~

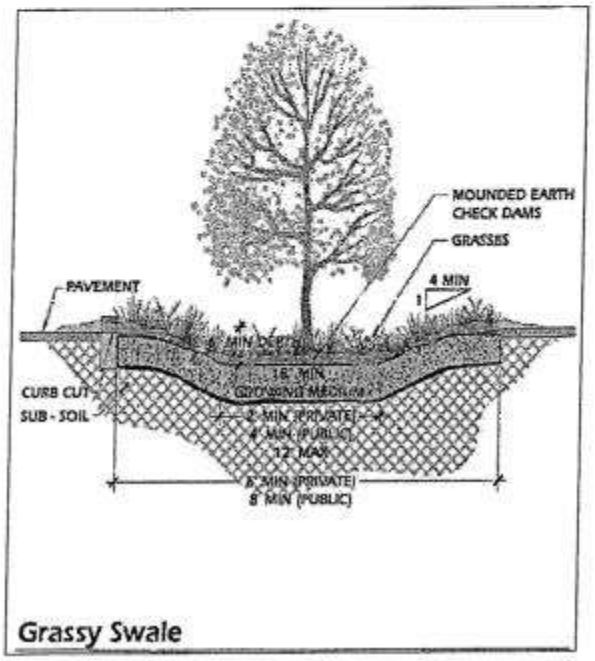
~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition. The property owner is responsible for maintaining and replacing, as necessary, all approved landscape plants on his property and those within abutting rights-of-way (e.g., street trees).~~

~~4. Parking Area Landscaping. Surface parking areas shall have perimeter landscaping, as described above. Surface parking lots containing more than 20 parking stalls shall be divided into rows of not more than 12 continuous parking spaces. (Recommended: Figure 17.74.120.)~~

~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are used infrequently), the reviewing authority may allow additional building (lot) coverage. Porous paving may also be used for small areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure 17.74.120.)~~



Vegetated Filter



Grassy Swale

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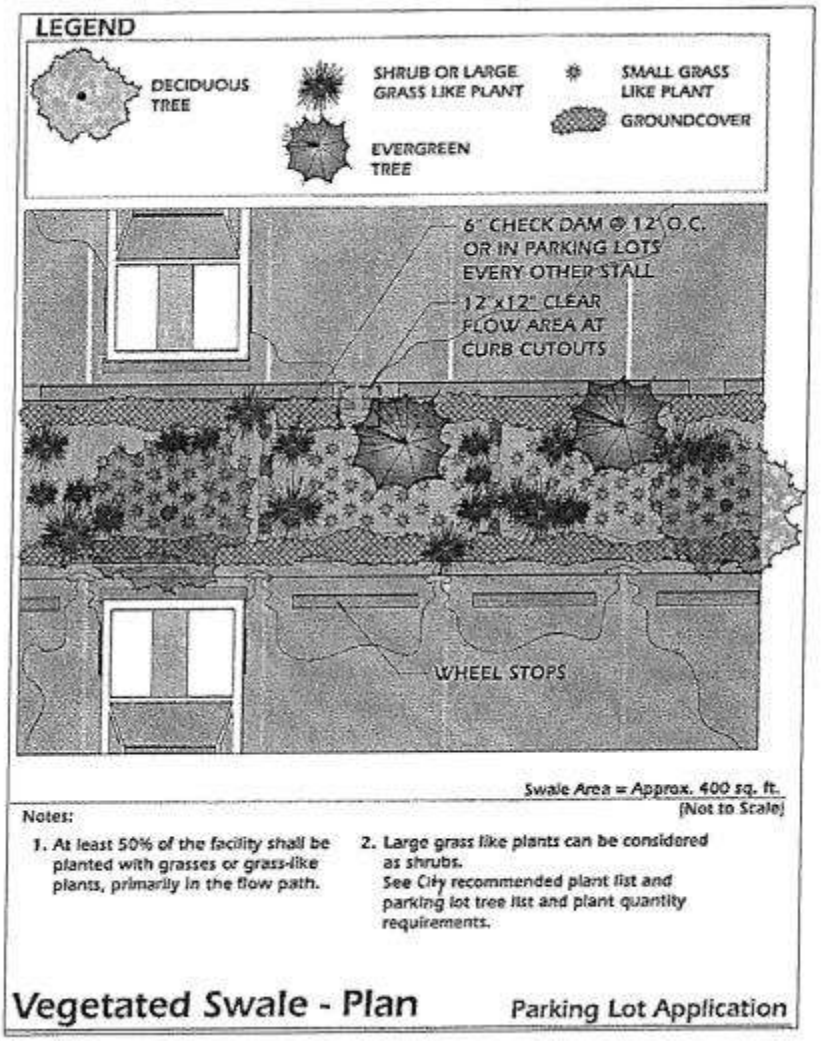


~~Figure 17.74.120: Typical parking lot landscaping concepts, incorporating water quality features.~~

~~17.74.130 Exterior lighting.~~

~~A. Intent. The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Outdoor lights should function primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. Urban renewal plans for some areas (e.g., Taft and Oceanlake) include sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, will enable motorists and pedestrians to recognize businesses and safely walk to them. Lights in string areas need not be designed to a highway scale.~~

~~B. Standards. Outdoor light fixtures shall not be installed without site plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be~~

~~reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of the ordinance codified in this section, is allowed to continue as nonconforming until such time that the light fixture and/or building is remodeled or replaced.~~

~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may also be used.~~

~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between one and two foot-candles for such areas is required.~~

~~b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted; provided, that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

~~c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.~~

~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the planning director.~~

~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as otherwise approved by the planning director.~~

~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.~~

~~a. Light poles shall not exceed a height of 20 feet.~~

~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. Exception: Up-lighting of official flags may be allowed; provided, that the luminance level is minimized.~~

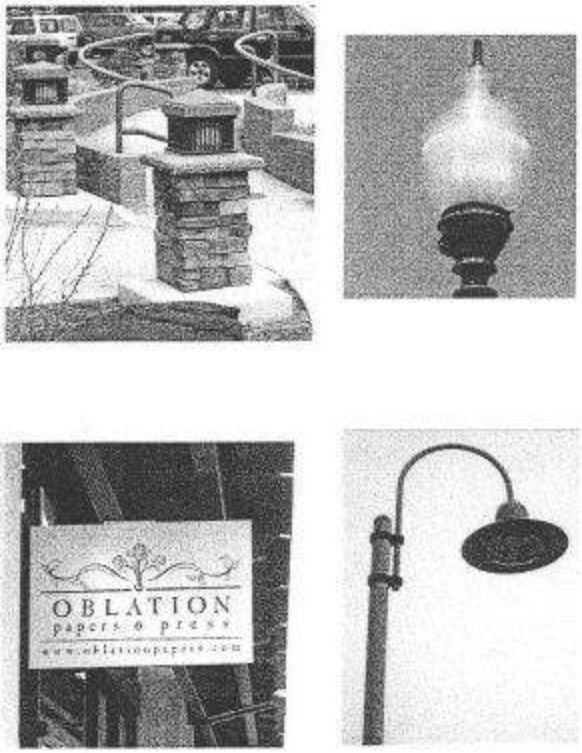
~~c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five feet over the property line, shall be zero.~~

~~d. The planning director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.~~

~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

~~**f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.**~~

~~**g. The manufacturer's data or measurement shall be provided to demonstrate conformance with subsection (B)(1) of this section. Photometric plans are required with site plan review applications, unless waived by the planning director.**~~



~~**Figure 17.74.130: Examples of acceptable lights.**~~

SECTION 15. Change in terms.

The term "setback" will replace "yard" when used in the phrase "yard requirement" throughout Title 17.

SECTION 16. Measure 49 Reservation.

Notwithstanding the amendments to this Title, including Section 2 of this ordinance, the Lincoln City Municipal code as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, are successfully made against this ordinance, pursuant to Ballot Measure 49.

SECTION 17. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit "A", as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 18. Severability.

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

SECTION 19. Savings.

Notwithstanding the amendments to Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 20. Ordinance Effective Date.

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

SECTION 21. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 17-21) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 10th of August, 2020 (First Reading) and on the 10th day of August, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of August, 2020.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A - FINDINGS

Findings for Ordinance 2020-10 (Design Standards)

Lincoln City's appearance has become a concern and priority for city leaders and citizens alike, but exactly how to improve the streetscapes and buildings remains a question. One way the city can influence community appearance is through design guidelines and standards for new construction. The city's planning and community development department hired a consultant to assist with examining the current design guidelines and standards and revising them as necessary to achieve the desired look and function.

During 2018 and the first half of 2019, the consultant assisted the city by: Establishing a vision, goals, objectives, and policies for streetscape aesthetics and building design; Determining preferences through a public education and outreach program that contemplated alternative community aesthetics and design concepts; Proposing new or revised code sections that will result in a streetscape aesthetic and building design that are practical, affordable, and appropriate for the community and environment; Identifying ways to improve administration of the site plan design review standards.

To guide this project and provide insight into the community's aesthetic and design preferences, a project advisory committee was formed, representing individuals with design experience and representatives of local businesses, neighborhoods, and organizations. The first meeting of the project advisory committee was June 22, 2018 in the NW Conference Room of city hall. At that meeting, the committee discussed goals for the project and identified criteria for reviewing the current design guidelines and standards. The consultants conducted a visual preference survey and workshop, and shared key findings with committee members at a second meeting held later in 2018. The group confirmed a strategy for moving forward. A final meeting was held with committee members in June 2019 to review a rough draft of proposed changes to Chapter 17.20 and Chapter 17.74.

Work studies were held with the Planning Commission in June and July 2019 to discuss the draft ordinance. A draft ordinance was sent to the Department of Land Conservation and Development on July 2, 2019 along with a notice of public hearing. The public hearing was noticed to be held with Planning Commission on August 6, 2019 and City Council on September 9, 2019. Due to a lack of quorum on August 6, 2019, the public hearing was continued to August 20, 2019. The public hearing was not held on August 20, 2019 and was continued to September 3, 2019, then to September 17, 2019, then to October 15, 2019, then to January 21, 2020, and then to March 17, 2020. The public hearing was continued to and held on May 5, 2020. The Planning Commission recommended approval of the proposed amendments, with minor changes.

The above referenced proposed ordinances were properly noticed pursuant to ORS 197.610 and were part of a city-wide Measure 56 notice to property owners. However, despite all the process, the design standards were only slightly altered. The most significant substantive change was to make the standards uniform rather than having slightly different standards for the City's "strings" versus the "pearls." Like the changes in Ordinances 2020-13, 14 and 15, most of the changes were housekeeping, except for removing different standards in the pearls: Nelscott, Ocean Lake, and Taft.

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A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

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

All documents relating to the amendments were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

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

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

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The city is currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendments do not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

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

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

therefore, Goal 4 is not applicable.

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

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

The amendments affect only areas already committed to urban development. They do not by themselves permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendments will not adversely affect the quality of the air or water. They do not by themselves permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendments are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendments do not by themselves allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, they are consistent with Goal 7.

(8) Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

The amendments are intended to simplify and remedy unnecessarily different standards in the City's code that the city believes are impeding development in the city. By better organizing the code and clarifying processes and requirements the city

hopes the amendments will encourage development. The proposed amendments are consistent with Goal 9.

(10) Goal 10: Housing

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

The amendments do not relate directly to the housing needs of the people of Lincoln City, except that clarity and uniformity as noted above may encourage new development. Goal 10 therefore met or is not applicable.

(11) Goal 11: Public Facilities and Services

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

The amendments do not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments do not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

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

The amendments do not relate directly to urbanization. Goal 14 is not applicable.

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches & Dunes

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments do not, by themselves, allow any development in or near beach and dune areas. All development in such areas already is controlled by existing ordinances and comprehensive plan standards. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

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

The amendments do not, by themselves, affect any ocean resources and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

The proposed amendments do relate directly to public services and utilities. This goal is Not applicable.

(4) Urbanization Goal

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

The amendments do not relate directly to urbanization. This goal is not applicable.

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendments do not relate directly to the housing needs of the people of Lincoln City. The amendments do not substantively alter such requirements. The housing goal is met or does apply.

(7) Economy Goal

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

The amendments are intended to address and remedy code provisions that are in need of clarity and better organization. By improving the clarity, uniformity and organization of the code, the city hopes to encourage new development in the city. These amendments, therefore, are consistent with this goal.

(8) Aesthetic Goal

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

The amendments will make more uniform the design standards in the code and eliminate unnecessary standards. The amendments should improve aesthetics. This goal is met.

(9) Transportation Goal

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

The amendments do not relate directly to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendments do not relate directly to energy conservation. This goal is not applicable.

(11) Overall Environmental Goal

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

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinances and plan requirement relating to protecting the natural environment will continue to apply to all properties that might be affected. These amendments contribute to this goal.

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

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

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards would be applied to any areas affected by these amendments, thereby protecting these resources. The amendments are consistent with this goal.

Council Communication

Ordinance 2020-16 Chapter 9.08

Meeting Date:	August 10, 2020	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2020-16 amending Chapter 9.08?

ORDINANCE 2020-16

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS and WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTIONS 9.08.050 AND SECTIONS 9.08.055.

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2020-16, and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2020-16.

Authority:

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

Background:

The ordinance amends Title 9 (Public Peace, Morals and Welfare) to add authorization for use of Traffic Control Orders (which includes parking) as exemptions to the overnight camping prohibitions in LCMC 9.08.050. LCMC 9.08.055 gains ths additional avenue of exemption in

addition to exemptions for special events, park permits and emergency orders). Other minor changes are proposed (see attached).

Council Options:

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

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to August 24, 2020 [or]

3. Continue First Reading to August 24, 2020.

4. Do not proceed with proposed ordinance.

Potential Motions:

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

ORDINANCE 2020-16

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS and WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTIONS 9.08.050 AND SECTIONS 9.08.055.

Council:

1. Motion to approve First Reading of Ordinance 2020-16.

If unanimous: conduct Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2020-16.

[or]

2. Motion to set Second Reading for August 24, 2020.

Attachments:
FINAL AMEND 9.08 (DOC)

ORDINANCE 2020-16

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS and WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTIONS 9.08.050 AND SECTIONS 9.08.055.

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

> **2.1 Powers of the City**
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> **2.2 Construction of Charter**
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

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

WHEREAS, THE City of Lincoln City desires to clarify exceptions to overnight camping as set forth in the City Code; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare), Chapter 9.08 (Offenses Against Public Order), Section 9.08.050 (Overnight camping on public property) is hereby amended to read as follows:

9.08.050 Overnight camping on public property.

A. Except as provided in LCMC 9.08.055, ~~**Permitted**~~ overnight camping~~**/sleeping**~~, including but not limited to overnight camping ~~**or overnight sleeping**~~ in a recreational vehicle, trailer or automobile, on any public property including but not limited to streets, sidewalks, parks and parking lots, ~~**on any premises open to the public,**~~ and on any ocean shore area under the jurisdiction of the Oregon Parks and Recreation Division, is prohibited.

B. The city may erect signs notifying the public of the prohibition of camping under subsection (A) of this section; provided, however, that the erection of signs shall not be a prerequisite to prosecution of violations of subsection (A) of this section.

C. Camping equipment used in a violation of subsection (A) of this section may be seized by the city police as evidence of the violation and, after seizure, shall be held by the city police until further order of the court before which the violation is pending.

D. Except as provided below for "willful violation," a violation of subsection (A) of this section is punishable as a Class E violation. A willful violation is punishable as a Class C violation. As used in this subsection, "willful violation" means a violation that occurs after the person has received, within 90 days preceding the current violation, a citation for violating subsection (A) of this section or a written warning from a police officer or code enforcement officer that the person was violating this section.

E. As used in this section the following definitions apply:

1. "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

2. "Overnight" means occurring any time between the hours of 2:30 a.m. and 5:00 a.m., unless the city code (e.g., parks regulations) sets

different hours for closure, in which case "overnight" means any time during posted hours of closure.

3. "Camping" or "to camp" means to set up or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.

F. Nothing in this section prohibits prosecution for criminal trespass when a person enters or remains on public property or other premises open to the public during posted hours of closure or in violation of a trespass notice or order, including but not limited to those issued under Chapter 12.18 LCMC. **Nothing in this section permits use of private property in violation of Title 17 (City Zoning Code).**

SECTION 2. Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare), Chapter 9.08 (Offenses Against Public Order), Section 9.08.055 (Permitted overnight camping/sleeping) is hereby amended to read as follows:

9.08.055 Permitted overnight camping/sleeping.

A. The prohibitions in LCMC 9.08.050 are inapplicable in the following circumstances:

1. The property involved is appropriately zoned and has all necessary approvals for the proposed use of overnight camping, in a vehicle or otherwise (for example, a recreational vehicle park in a recreation commercial zone with a conditional use approval or state-owned public campground in the park zone);

2. The city council or manager, by emergency declaration, has authorized overnight camping, **in a vehicle or otherwise**, in accordance with the limitations, terms and conditions of such declaration;

3. A special event permit pursuant to Chapter 5.16 LCMC**, traffic control order, pursuant to Chapter 10.08,** or other parks permit **or order pursuant to** ~~(~~Chapter 12.16 LCMC~~)~~ authorizes overnight

camping **in a vehicle or otherwise,** in accordance with the limitations, terms and conditions of such permit;

4. Subject to conditions specified in subsection (B) of this section, and notwithstanding any other provision of this code, any religious institution located in the city of Lincoln City may offer overnight camping or sleeping space on institution property to homeless persons living in vehicles. Homeless persons may sleep overnight in a vehicle in a parking lot of a religious institution that owns or leases property on which a parking lot is located only with written permission of the property owner or the owner's representative. The property owner may not grant permission for more than-three vehicles used for camping or sleeping at any one time. For purposes of this subsection (A), the term "vehicle" includes a car, truck, van, camper, and camp trailer, **or Conestoga wagon provided by the institution**.

B. A religious institution who allows a person or persons to camp/sleep overnight in a vehicle on a property pursuant to subsection (A)(4) of this section shall:

1. Provide or make available sanitary facilities, including but not limited to toilet and hand washing facilities;

2. Provide trash disposal facilities to such persons consistent with LCMC 8.16.060;

3. Require such camping/sleeping space be not less than five feet away from any property line; and

4. Not require payment of any fee, rent or other monetary charge for overnight camping/sleeping, as authorized by this section.

C. An institution who permits overnight camping/sleeping pursuant to subsections (A)(4) and (B) of this section may revoke that permission at any time and for any reason. Any person who receives permission to camp/sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.

D. Notwithstanding any other provision of this section, the city manager or the manager's designee may revoke permission for a religious institution to offer overnight camping/sleeping in vehicles or revoke permission of a person to sleep overnight on such properties, if the city finds that the institution, owner, or person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity constitutes a public nuisance or other threat to the public welfare.

E. The city manager or the manager's designee may impose administrative civil penalties on responsible parties who fail to comply with the requirements of this section, as provided in Chapter 1.16 LCMC.

F. In addition to any other penalties that may be imposed, any site used for overnight camping/sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such. As used in this section, "campsite" has the meaning given in LCMC 9.08.050.

G. Nothing in this section creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight camping/sleeping.

Section 2. Findings Adopted. The findings in support of the proposed vacation are hereby adopted by the City Council as set forth in the public hearing staff report in the record of this proceeding.

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

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

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 10th day of August, 2020 (First Reading) and on the 10th day of August, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of August.

_____
DICK ANDERSON, MAYOR

ATTEST:

_____
CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

Council Communication

City Council Vacancies

Meeting Date:	August 10, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

City Council Vacancy

The City Charter states "A vacancy in the council shall be filled by appointment by majority of the council, provided, however, that the council may in its discretion call a special election for the purpose of filling such vacancy. The appointee's term shall begin immediately upon his or her appointment and qualification and shall continue through the unexpired term of the appointee's predecessor." (Chapter 8.2 – Filling Vacancies)

Filling a Vacancy by Appointment

The Charter and City code are silent as to the process for filling a vacancy by appointment other than to say it shall be filled by majority. The City Councilors may individually put forth individuals to fill the vacancy or they may solicit applications.

Filling a Vacancy through a Special Election

The City Council may call a special election for the purpose of filling a City Council vacancy. During a regular election year, such as this year, the City Council may designate the regular election as the special election for the purposes of filling a vacancy.

The City Charter states "Any candidate for an elective office may be nominated by filing with the recorder a petition in such form as may be prescribed by ordinance, signed by 25 legal voters of the city. The signers of a petition for councilor from a particular ward shall be legal voters residing within that ward; but if the petition is for mayor, said petition may be signed by legal voters residing in any ward in the city." (Chapter 7.7 – Nominations)

The deadline for submitting a petition for the November election is August 19, 2020.

As of today, four candidates have filed petitions with the City.

One candidate has filed his/her petition for the open position in Ward 1.
Two candidates have filed their petitions for the open position in Ward 2.
One candidate has filed his/her petition for the open position in Ward 3.

All actions by the City Council to fill a vacancy are done by motion.

Council Communication

Appointment to Sustainability Committee - Applicant Michael Edwards

Meeting Date:	August 10, 2020	Primary Staff Contact:	David Twigg
Department:	City Council	E-Mail:	dtwigg@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	2 minutes

Question:

Should the City Council approve the appointment of Michael Edwards for a "City Resident" position on the Sustainability Committee?

Staff Recommendation:

Councilor Hoagland and Councilor Casper each interviewed Michael Edwards, and each asked to move Michael Edwards's application forward for consideration of a position on the Sustainability Committee. Michael Edwards qualifies for a "City Resident" position.

Background:

The Sustainability Committee currently has one (1) vacant position.

Council Options:

Review and discuss the recommendation for appointment of Michael Edwards to the "City Resident" position on the Sustainability Committee for a partial term expiring October 7, 2021.

Potential Motions:

I move to appoint Michael Edwards to the Sustainability Committee for a "City Resident" position with a partial term expiring 10/07/2021.

Attachments:

Edwards Sustainability Commitee Application_Redacted.pdf (PDF)

RECEIVED

JUL 07 2020

CITY OF LINCOLN CITY
LINCOLN CITY OR

CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- ☐ Ad Hoc Committee *(Committee Name:* Sustainability Committee
- ☐ Arts Committee
- ☐ *Budget Committee
- ☐ Building Board of Appeals
- ☐ Community Sustainability Committee
- ☐ Library Board
- ☐ Open Space Committee
- ☐ Parks and Recreation Board
- ☐ Planning Commission
- ☐ Transient Room Tax Committee
- ☐ Visitor and Convention Committee

** If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Michael Edwards	**DATE:**	July 4 2020
HOME ADDRESS:	[redacted]		
MAILING ADDRES:			
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[redacted]		
HOME PHONE:	[redacted]	**CELL PHONE:**	

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: ☑ Yes Length of Time two years

Do you reside within the Urban Growth Boundary? ☑ Yes Length of Time _____

Do you reside within the Lincoln County School District North: ☑ Yes ☐ No

Are you a registered voter in Lincoln County? ☑ Yes ☐ No

Are you a Lincoln City business owner or Manager? ☐ Yes ☑ No

If yes, please indicate which business you own/manage? _____

QUALIFICATIONS/EXPERIENCE ***(Additional space is provided on back)***

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

My background is as a special education teacher. Back in the 1990s I served as a mechanic in the Air Force. Since coming to Lincoln City I have written hiking articles for Oregon Coast Today. In 2015 I earned my MA in History from Eastern Washington University.

List names of volunteer/work supervisors:

Joe Lenti - History Professor, Eastern Washington University

[redacted] - Principal, Reardan High School

Please provide any previous experience with committees, boards or commissions and positions held:

Both in Idaho and in Washington State I taught special education. In that capacity I worked with individual families and students and the small groups of educators and community members that helped these students.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I am a cyclist and am interested in promoting bicycle commuting. I also see affordable housing as an impediment to sustainability.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Joe Lenti Phone: [redacted]

Name: David Brookbank Phone: [redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

Michael Ellsworth
SIGNATURE

July 1, 2020
DATE

Council Communication

Amendment 6 Memorandum of Understanding Siletz Tribe

Meeting Date:	August 10, 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:	5 mins.

Question: Should the City Council approve the attached Sixth Amendment to the Memorandum of Agreement with the Confederated Tribes of Siletz Indians?

Staff Recommendation:

Staff recommends approve the Sixth Amendment to the MOA.

Authority:

190.110 Authority of units of local government and state agencies to cooperate; agreements with American Indian tribes; exclusion of conditions for public contracts. (1) In performing a duty imposed upon it, in exercising a power conferred upon it or in administering a policy or program delegated to it, a unit of local government or a state agency of this state may cooperate for any lawful purpose, by agreement or otherwise, with a unit of local government or a state agency of this or another state, or with the United States, or with a United States governmental agency, or with an American Indian tribe or an agency of an American Indian tribe. This power includes power to provide jointly for administrative officers.

(2) The power conferred by subsection (1) of this section to enter into an agreement with an American Indian tribe or an agency of an American Indian tribe extends to any unit of local government or state agency that is not otherwise expressly authorized to enter into an agreement with an American Indian tribe or an agency of an American Indian tribe.

(3) With regard to an American Indian tribe, the power described in subsections (1) and (2) of this section includes the power of the Governor or the designee of the Governor to enter into agreements to ensure that the state, a state agency or unit of local government does not interfere with or infringe on the exercise of any right or privilege of an American Indian tribe or members of a tribe held or granted under any federal treaty, executive order, agreement, statute, policy or any other authority. Nothing in this subsection shall be construed to modify the obligations of the United States to an American Indian tribe or its members concerning real or personal property, title to which is held in trust by the United States.

(4) A unit of local government or state agency of this state may exclude any clause or condition required by ORS 279B.220, 279B.225, 279B.230, 279B.235, 279B.270 or 279C.500 to 279C.530 from an agreement under subsection (1) of this section if the agreement is with:

(a) A unit of local government of another state.

(b) A state agency of another state.

(c) The United States.

(d) A United States governmental agency.

(e) An American Indian tribe.
(f) An agency of an American Indian tribe.

Background:

The draft amendment extending this Agreement another two years was discussed at the joint meeting with the Siletz Tribe on July 20, 2020. The requested language regarding suspension of the increase during declared emergencies has been added.

Legal counsel for the tribe requested reciprocal language for the tribe's emergency declarations and I have added this language. The attorney had some objection to the limitation I added concerning the impact of the emergency being in Lincoln City – so alternate language concerning impacting the tribe financially is provided for your consideration.

Council Options:

1. Approve the amendment.

2. Do not approve the amendment.

3. Continue to August 24, 2020.

Potential Motions:

Council:

Motion to approve the Sixth Amendment and authorize the Mayor to sign.

Attachments:
Amendment 6 revised 8-4-20 (DOCX)
3745 MOA added language 8-5-20 draft (DOCX)

AMENDMENT 6

TO MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND CITY OF LINCOLN CITY, STATE OF OREGON

The Confederated Tribes of Siletz Indians of Oregon ("Siletz Tribe") previously entered into a Memorandum of Agreement ("MOA") dated July 28, 2008 with the City of Lincoln City, Oregon ("Lincoln City"), and the term expired on July 28, 2010; and

On June 14, 2010, Amendment 1 to the MOA was approved extending the terms of the agreement until July 28, 2012; and

On April 09, 2012, Amendment 2 to the MOA was approved extending the terms of the agreement until July 28 2014; and

On July 29, 2014, Amendment 3 to the MOA was approved extending the terms of the agreement until July 28, 2016; and

On July 28, 2016, Amendment 4 to the MOA was approved extending the terms of the agreement until July 28, 2018; and

On July 23, 2018, Amendment 5 to the MOA was approved extending the terms of the agreement until July 31, 2020; and

The Siletz Tribe and Lincoln City agree it is in the public interest to extend the MOA an additional two (2) years from July 31, 2020 to July 31, 2022; and

NOW THEREFORE, the Confederated Tribes of Siletz Indians and the City of Lincoln City agree as follows:

1. The July 28, 2008 Memorandum of Agreement, as amended, is hereby ratified and amended to extend the term of the Agreement for an additional two (2) years from July 31, 2020 through July 31, 2022.

2. Numbered paragraph 1 on page 2 of the Agreement is hereby amended to read as follows:

    1. The Siletz Tribe agrees to make an annual contribution to Lincoln City in the amount of $80,000 per year, beginning on July 1, 2008, and continuing for subsequent twelve-month periods thereafter. The amount of the annual contribution set out in this Section shall be adjusted July 1 of each year based on the, Annualized Average Pacific CPU, or 2.5, whichever is less. **Notwithstanding the above, the annual adjustment to the contribution shall not be imposed during any period of time when: [1] the City Council has declared an emergency pursuant to LCMC 2.72 (Emergency Operations) and that emergency impacts operations of the Siletz Tribe; or [2] The Siletz Tribe has declared an emergency by Ordinance or Resolution and that emergency exists in Lincoln City. Disputes over such declarations shall be subject to**

informal and then formal mediation. The Siletz Tribe acknowledges that this annual contribution amount is in addition to, and not in replacement of, the Siletz Tribe's current municipal contribution to Lincoln City in the amount of $170,000 per year.

3. The Siletz Tribe and Lincoln City continue to reserve all rights under the formal procedures of the MOA and do not waive any rights related thereto.

4. This amendment shall not operate to materially modify, revoke, or terminate any rights previously granted in the MOA, and all existing terms not modified by this ramification and amendment shall continue to be in full force and effect.

5. In accord with Section 9 of the MOA, this Amendment 6 shall be attached to and made a part of the MOA.

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON	**CITY OF LINCOLN CITY, OREGON**
_____	**_____**
DELORES PIGSLEY, TRIBAL CHAIR	**DICK ANDERSON, MAYOR**
DATE_____	**DATE_____**

AMENDMENT 6

TO MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND CITY OF LINCOLN CITY, STATE OF OREGON

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subject to informal and then formal mediation. The Siletz Tribe acknowledges that this annual contribution amount is in addition to, and not in replacement of, the Siletz Tribe's current municipal contribution to Lincoln City in the amount of $170,000 per year.

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5. In accord with Section 9 of the MOA, this Amendment 6 shall be attached to and made a part of the MOA.

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON	**CITY OF LINCOLN CITY, OREGON**
_____	_____
DELORES PIGSLEY, TRIBAL CHAIR	**DICK ANDERSON, MAYOR**
DATE_____	**DATE**_____

Council Communication

Continue ANNEX 2020-01 to 8/24/2020

Meeting Date:	August 10, 2020	Primary Staff Contact:	James White
Department:	Planning Department	E-Mail:	JWhite2@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	2 minutes

The applicant submitted additional materials on July 31, 2020. No fees were submitted. Staff requests the matter be continued to August 24, 2020 so that staff may review the submittal. The applicant agrees /disagrees with the continuance request.

Council Communication

Parking

Meeting Date:	August 10, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Parking

The City Council tasked the staff to develop a process and criteria for creating "No Parking" and "Residential Parking Permit" areas. The following is a frame work for future ordinances and applications and is presented for your discussion. If the City Council wants to proceed, the staff will prepare ordinances and applications to present to the City Council.

Issues - Tasks

- Present a process and criteria for creating "No Parking" Areas.
- Present a process and criteria for creating "Residential Parking Permits."

Underlying Philosophy

- The City needs more public parking, not less.

Basis for making decisions to restrict parking

- The 2015 Lincoln City Transportation Plan
- Road types – The Transportation Plan classifies Lincoln City roads into four categories – Municipal Arterial, Minor Arterial, Collector and Local Road. Each of these categories are further defined as High-use, Medium-use and Low-use.

  The standards for road design and construction is also set forth in the Transportation Plan and is attached to this Council Communication.

Process for creating "No Parking" areas.

- The process should be initiated by application or petition of individuals living on the street. Consideration of parking restrictions should be evaluated based on a block and not an individual lot. Applications can be made by petition or by neighborhood associations.
    - The City can set standards for applications. (Example: A majority of the properties affected by the restrictions must be in favor or sign a petition for "no parking areas.")

Criteria for creating "No Parking" areas.

- The type of road. For example, the Optimum design for a high-use minor arterial street doesn't include on-street parking.
- Does the area have sufficient right-of-way width to accommodate parking? Right-of-way includes two travel lanes – 10' to 12' in width for each travel lane – and at least one shoulder – 7' to 8' in width.
- The topographical characteristics of the parking lane – i.e. - Is it flat? Is there a drainage swell?

Process for creating "Residential Parking Permits Areas."

- The process should be initiated by application or petition of individuals living on the street. Consideration of parking restrictions should be evaluated based on a block and not an individual lot. Applications can be made by petition or by neighborhood associations.
    - The City can set standards for applications. (Example: A majority of the properties affected by the restrictions must be in favor or sign a petition for parking permits.)

Criteria for Creating "Residential Parking Permit Areas."

- Residential parking areas are designed to limit the traffic and parking concerns in residential areas with limited on-street parking. Limited on-street parking can be defined in a number of ways. They are also areas that allow residents to park on street past posted or restricted visitor time limits.
    - The effect on the safety of residents in the area.
    - The difficulty of residents of the area to secure adequate on-street parking adjacent to or close by their residents.
    - The likelihood of alleviating, by use of a permit system, any problem of unavailability of residential parking places.
    - The need for some parking spaces in the area to be available for tourists.
    - The availability of off-street parking for residents of the area.
    - The average number of tourist or commuter cars parked on a street exceed the total number of spaces available. For example – 25% of the number of tourist/commuter vehicles parking in an area exceeds the total number of spaces. (Example: 50 total on-street parking spaces, 13 of the 50 are occupied by tourist or commuter vehicles.)
    - The average number of parking spaces that are occupied on a daily basis. (Example: 50 total on-street parking spaces, 38 of the 50 spaces are occupied during the time measured.)
    - Lack of off-street parking for residential property. (Example: residential dwellings that don't provide sufficient parking for the tenants.)

Other items to consider for residential parking passes

- Guest parking permits
- Fee for permit

Attachments:
transportation plan street classifications (PDF)

12 Multi-Modal Street Functional Classifications

Lincoln City
Transportation System Plan

Street Functional Classifications

- Principal Arterial
- Minor Arterial
- Collector
- Local Road

Area Type

- High-Use Street
- Medium-Use Street

- Urban Growth Boundary
- Park

Note: Potential Alignments for Future Roadways are shown as dashed lines

Area Type

In addition to functional classification, the TSP classifies streets by area type (i.e., high, medium, and low use) to reflect the nature of the land uses the street serves and the number of pedestrians, bicyclists, and transit riders. The area type determines how users of a roadway interact with the surrounding land use and prescribes walking and biking accommodations for the street in a way that minimizes conflict with motor vehicles and maximizes safety for all users. Figure 12 shows the three area types described below:

- **High-Use Streets** have higher traffic volumes, and typically are a transit route. These streets should emphasize facilities and amenities for pedestrians, bicycles and transit users to complement the private development along the street. High-use streets typically serve pedestrian oriented land uses, so walking should receive the highest priority of all the travel modes. They should have wider sidewalks, pedestrian amenities, transit amenities, attractive landscaping, on-street parking, pedestrian crossing enhancements and buffered bicycle lanes.
- **Medium-Use Streets** have moderate traffic volumes. They generally are surrounded by a mix of land uses, including both residential and commercial. These streets often provide secondary neighborhood connections to local parks, schools and mixed-use areas. Their design should emphasize walking, but accommodate the needs of bicyclists and motor vehicles. Prioritized design elements should include landscaped buffers, walkways/pathways/trails, on-street parking and pedestrian safety enhancements.

- **Low-Use Streets** have low traffic volumes, and generally serve residential uses. Their design should slow travel speeds to accommodate the needs of pedestrians and bicyclists safely. Design elements such as traffic calming, and on-street parking should be a high priority. Separate design elements to accommodate specific modes may be necessary depending on expected use.
- **Constrained street option:** Any street located in steep, environmentally sensitive, historic, or developed areas of the city have development constraints. These streets may require modified design elements that may not be to scale with the adjacent land use. Constrained elements may include narrower travel lanes and pedestrian and bicycle facilities, or accommodations that generally match those provided by the surrounding development.

Design Types of Streets

The design of Lincoln City's streets requires attention to many elements of the public right-of-way and how the street interacts with the adjoining properties. Cross-sections of streets include the walking zone, biking/on-street parking zone, and driving zone (see Figure 13). The design of these zones varies based on the functional classification and area type.

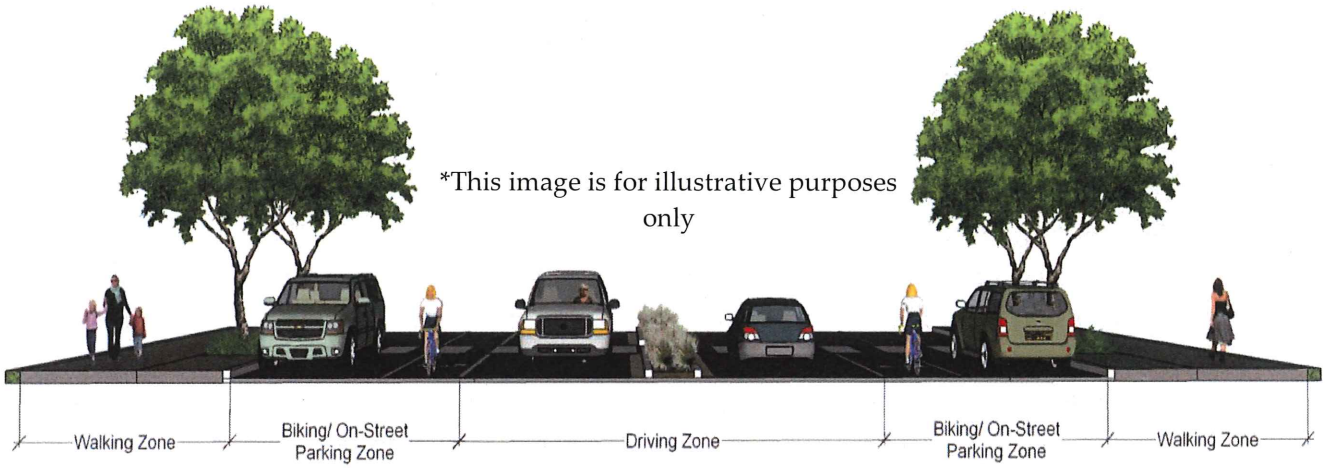


Figure 13: Components of Lincoln City Streets

- **Walking Zone:** A travel zone for pedestrians (see Figure 14) is a priority particularly in high-use and medium-use areas. It should include a minimum five-foot clear throughway for walking, an area for street furnishings, bike racks, or landscaping (e.g. benches, transit stops and/or plantings). It needs a clearance distance between curbside on-street parking and the street furnishing area or landscape strip to accommodate opening doors of parked vehicles. Streets located along a transit route should incorporate furnishings to support transit ridership, such as transit shelters and benches, into the furnishings/landscape strip adjacent to the biking/on-street parking zone.

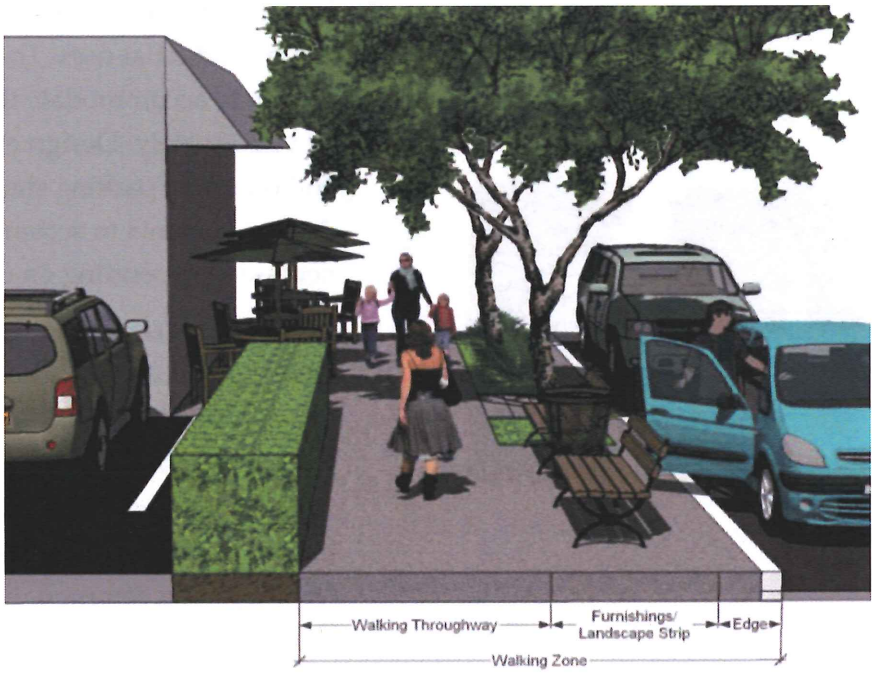


Figure 14: Up Close View of the Walking Zone

- **Biking/On-Street Parking Zone:** The biking/on-street parking zone should be a high priority in high-use and medium-use areas. It should include on-street parking with a minimum six-foot striped bike lane or five-foot bike lane with a three-foot buffer. This zone is also the location where users access transit.

- **Driving Zone:** This is the throughway zone for motor vehicles, including cars, buses and trucks. It is a high priority on arterial and collector streets. The functional classification of the street generally determines the number of through lanes, lane widths, and median and left-turn lane requirements; however, the route designations (such as transit streets or freight routes) take precedence when determining the appropriate lane width. Streets need to

have wider lanes (between 13 to 14 feet) for the short distances where buses and trucks must negotiate right-turns without encroaching into adjacent or opposing travel lanes.

Streets that require a raised median need to include landscaping and a minimum six-foot wide pedestrian refuge at marked crossings. The median can be reduced to a minimum of four feet at midblock, before widening at intersections to accommodate left-turn lanes (where required or needed).

Overall, the TSP includes nine different design types for streets ranging from high-use minor arterial to low-use local street. The TSP does not include a design type for US 101, the city's only major arterial. US 101 is a state highway and subject to the design criteria in the state's Highway Design Manual. The design criteria for other Lincoln City streets are in Figures 15a to 15i, along with guidelines for constrained areas (e.g., steep, environmentally sensitive, historic, or previously developed areas) where the design may need to reduce or eliminate lower priority street elements. A constrained design requires a variance to the city's standard design to allow construction approval.

Figure 15a: Optimum Street Design for High-Use Minor Arterial Street

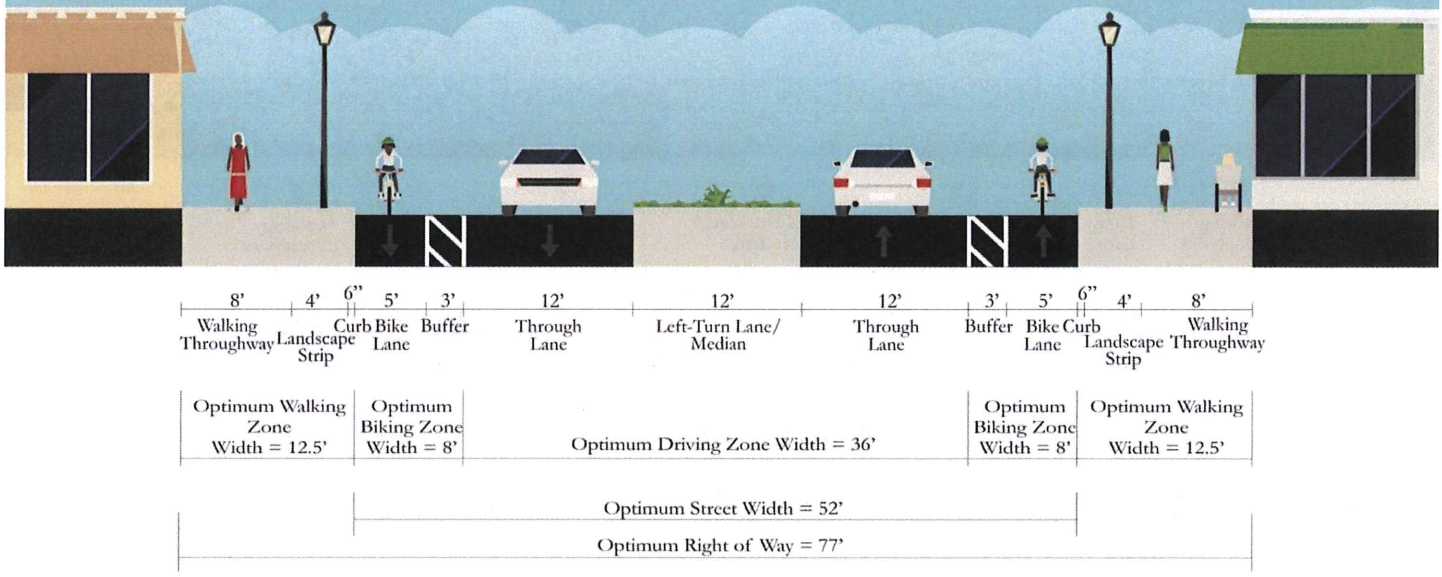


Figure 15b: Optimum Street Design for Medium-Use Minor Arterial Street

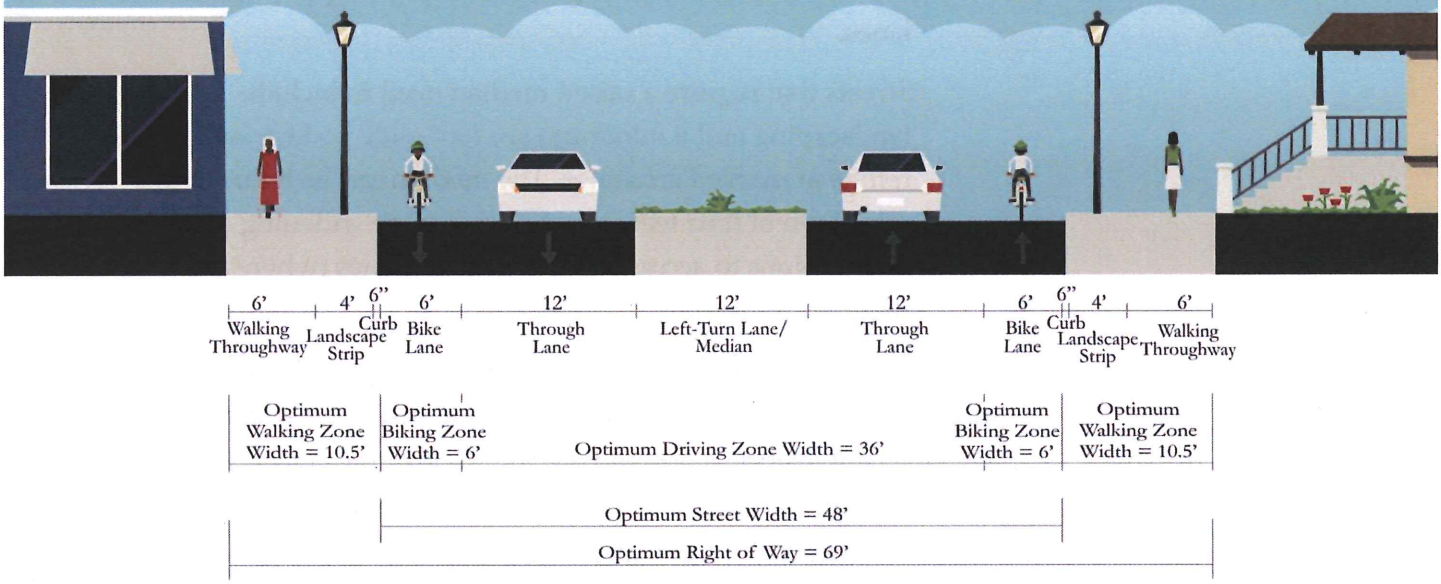
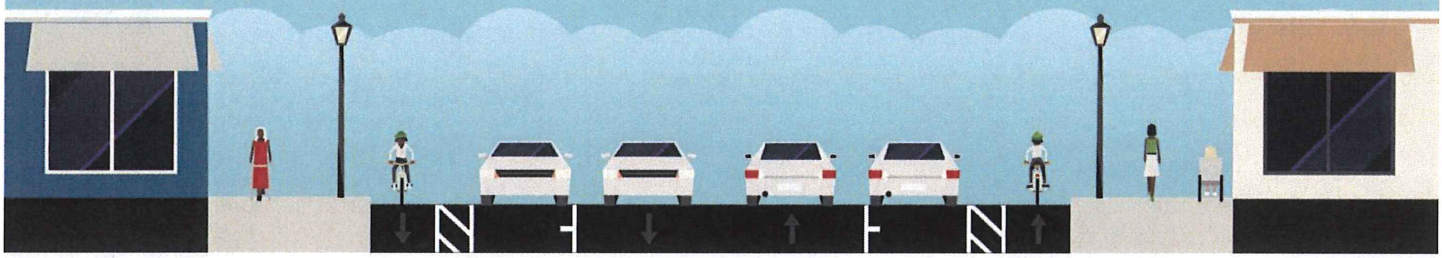


Figure 15c: Optimum Street Design for Low-Use Minor Arterial Street

Figure 15d: Optimum Street Design for High-Use Collector Street



8'	4'	6"	5'	3'	8'	11'	11'	8'	3'	5'	6"	4'	8'
Walking Throughway	Landscape Strip	Curb	Bike Lane	Buffer	On-Street Parking (Optional)	Through Lane	Through Lane	On-Street Parking (Optional)	Buffer	Bike Lane	Curb	Landscape Strip	Walking Throughway

Optimum Walking Zone Width = 12.5'	Optimum Biking/ On-Street Parking Zone Width = 8'-16'	Optimum Driving Zone Width = 22'	Optimum Biking/ On-Street Parking Zone Width = 8'-16'	Optimum Walking Zone Width = 12.5'

Optimum Street Width = 38'-54'

Optimum Right of Way = 63'-79'

Figure 15e: Optimum Street Design for Medium-Use Collector Street

6'	4'	6"	8'	6'	11'	11'	6'	8'	6"	4'	6'
Walking Throughway	Landscape Strip	Curb	On-Street Parking (Optional)	Bike Lane	Through Lane	Through Lane	Bike Lane	On-Street Parking (Optional)	Curb	Landscape Strip	Walking Throughway

Optimum Walking Zone Width = 10.5'	Optimum Biking/ On-Street Parking Zone Width = 6'-14'	Optimum Driving Zone Width = 22'	Optimum Biking/ On-Street Parking Zone Width = 6'-14'	Optimum Walking Zone Width = 10.5'

Optimum Street Width = 34'-50'

Optimum Right of Way = 55'-71'

Figure 15f: Optimum Street Design for Low-Use Collector Street

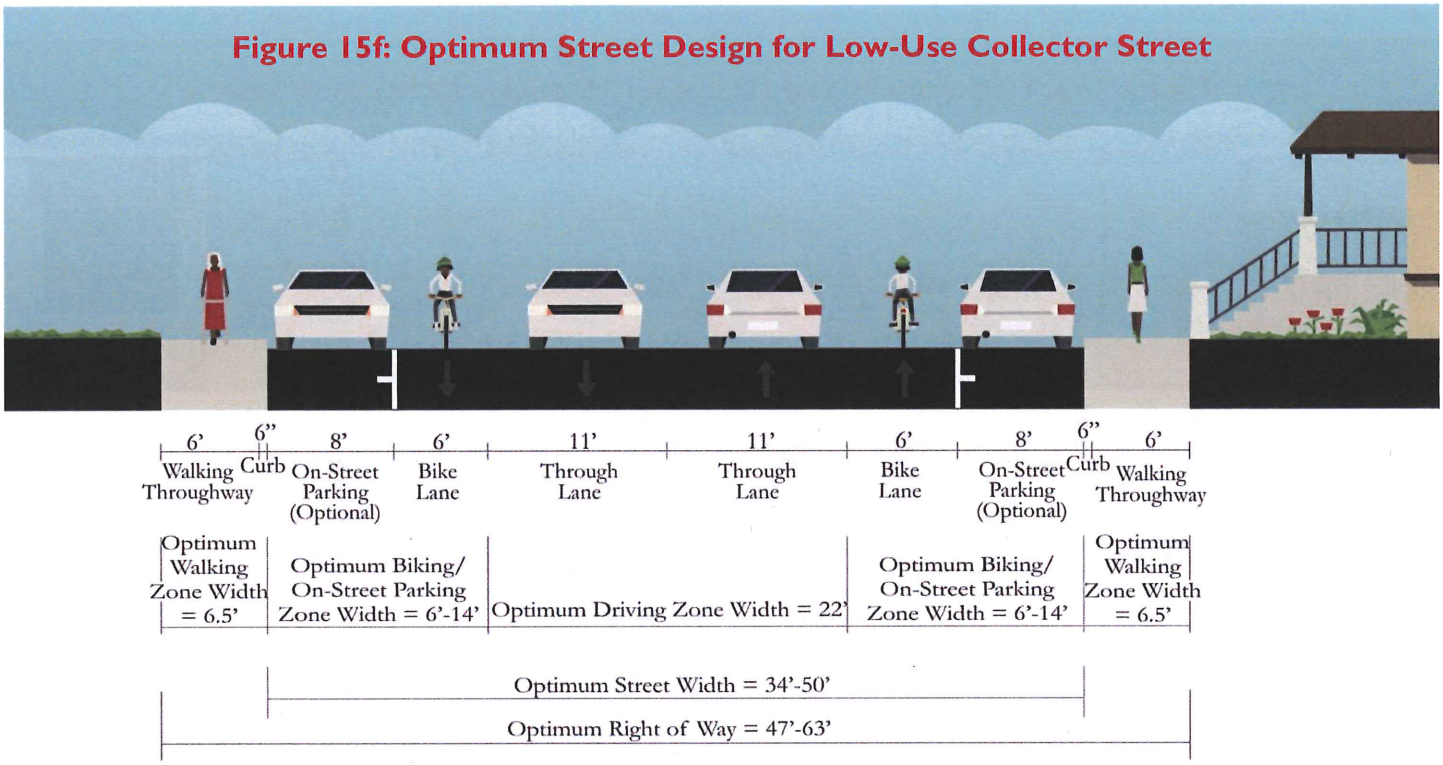


Figure 15g: Optimum Street Design for High-Use Local Street

Figure 15h: Optimum Street Design for Medium-Use Local Street

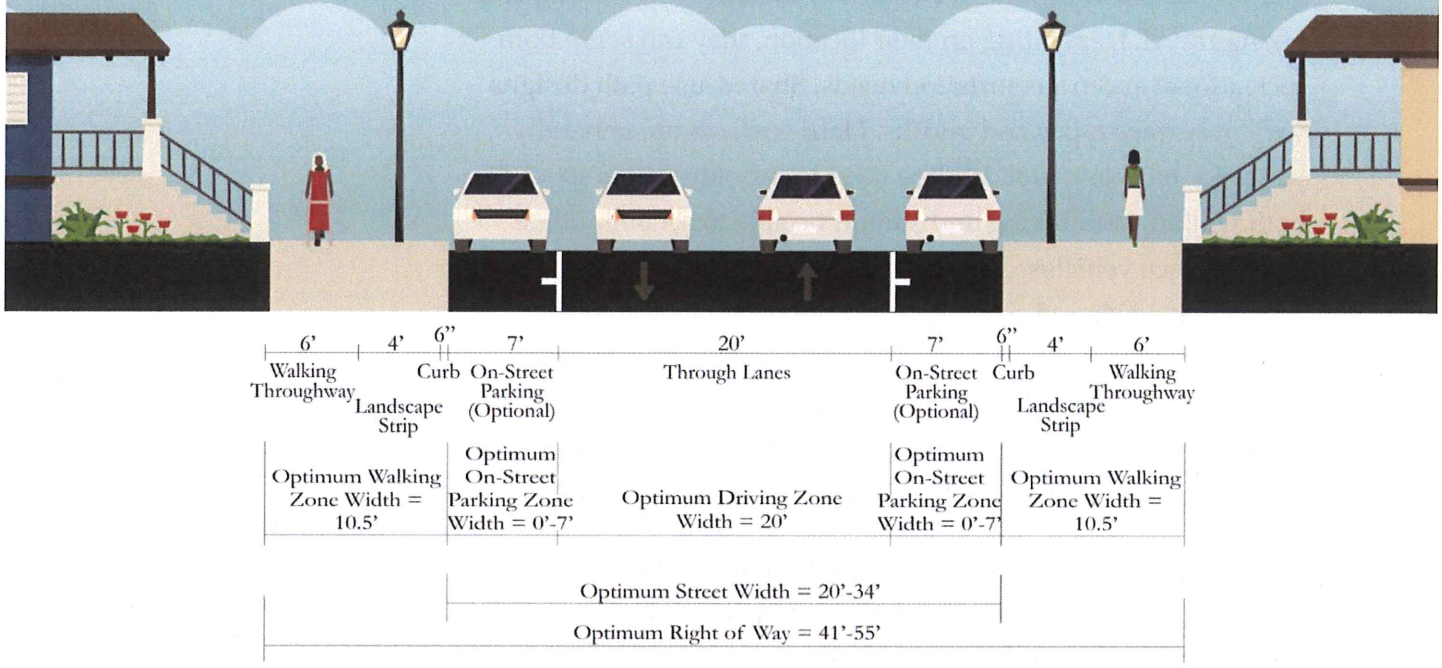


Figure 15i: Optimum Street Design for Low-Use Local Street

Council Communication

COVID-19 Update

Meeting Date:	August 10, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

COVID-19 Update

No "Shut-off" Policy

The City Council adopted a "no shut-off" policy as a means of helping those affected by the pandemic. The following is a comparison of the accounts receivable for utility billing between July 15, 2019 and July 15, 2020.

Utility Billing Accounts Receivable Aging Comparison – By Account Number

Status	7/15/2010		7/15/2020	
Current	5,572	87.87%	5,599	87.77%
30 days past due	567	8.94%	502	7.87%
60 days past due	151	2.38%	111	1.74%
>= 90 days past due	51	0.80%	167	2.62%

Utility Billing Accounts Receivable Aging Comparison – By Dollar Amount

Status	7/15/2010		7/15/2020	
Current	$637,540	81.06%	$616,204	76.73%
30 days past due	$55,682	7.08%	$66,140	8.24%
60 days past due	$22,336	2.84%	$17,062	2.12%
>= 90 days past due	$70,928	9.02%	$103,667	12.91%

Oregon Cases as of 8/5/2020

Total cases in Oregon = 19,979 and 338 deaths. To date Oregon has 406,823 negative tests and Lincoln County has had 6,795 negative tests. All deaths in Oregon have been individuals that are aged 20-80 years or older, 147 females and 191 males. All deaths have had underlying medical conditions.

Cases by Zip Code as of 8/5/2020

97341 – Depoe Bay – 1 to 9 cases
97343 – Eddyville – No cases
97388 – Lincoln Beach – No cases
97367 – Lincoln City – 30 cases
97357 – Logsden – No cases
97364 – Neotsu – No cases
97365 – Newport – 309 cases
97369 – Otter Rock – No cases
97368 – Rose Lodge/Otis – 1 to 9 cases
97376 – Seal Rock – 1 to 9 cases
97380 – Siletz – 10 cases
97366 – South Beach – 1 to 9 cases
97390 – Tidewater – No cases
97391 – Toledo – 15 cases
97394 – Waldport – 1 to 9 cases
97498 – Yachats – 1 to 9 cases

Note – the Hillside Place outbreak in Lincoln City does not show up in the weekly report because all of the contact tracing has not been accomplished.

Lincoln County Media Release - 08-04-2020 Outbreak at Hillside Place

August 4, 2020

NEWPORT, Ore. – Lincoln County Public Health and Hillside Place of Lincoln City announced today the results of testing of all staff and residents done on Friday. 40 tests were completed and there were 14 positive results – 9 residents and 5 staff. This testing was completed after a staff member was confirmed positive on July 31, 2020.

Hillside Place and Lincoln County Public Health have been working closely together since the beginning of the pandemic earlier this year. Lisa Junod, Administrator of Hillside Place, said on Monday, "We have been very proactive in protecting our residents and staff. Over the past several months, we have worked closely with OHA and county health department to adopt and implement suggested infection control guidance, including daily screening and monitoring of residents and staff. We will continue to be proactive in our response to the current outbreak."

Rebecca Austen, Health Department Director, said that OHA and public health conducted a visit of the facility on Friday and found no concerns with their infection prevention protocols. "We know that the new coronavirus is widespread in our country. We are currently investigating the contacts of all staff and residents to determine who may need to isolate to prevent further spread in Lincoln County." Austen noted that even when doing everything correct, it is not possible to prevent 100% of infection. She emphasized that the systems set up to catch the virus early worked and public health is confident that the facility is able to contain the spread.

Public Health reminds the public that there the best way to help prevent the spread of COVID-19 is to

- Maintain at least 6 feet of distance between yourself and those who do not live with you;
- Wear a face covering when you cannot maintain this distance;
- Wash your hands frequently with soap and water; and
- Monitor your symptoms. If you feel sick, stay home.