



# **AGENDA**

Lincoln City Planning Commission  
Tuesday, March 19, 2024, 6:00 PM  
Council Chambers,  
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

- 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
- 2. JOINT MEETING WITH CITY COUNCIL**
  - . Communication Memo
  - A. City Council Strategic Priorities and the Planning Commission
    - 2.A.1. Strategic Priorities**
  - B. Role of the Committee for Citizen Involvement
    - 2.B.1. LCMC 2.14 Committee for Citizen Involvement (CCI)**
    - 2.B.2. Resolution No. 94-33**
    - 2.B.3. Lincoln City Comprehensive Plan 2043 Chapter One**
  - C. Role of Planning Commission Educating the Public about Planning Issues
  - D. Additional Comments by Councilors and Commissioners
- 3. RECESS**
- 4. CONSENT AGENDA**
  - 4.1. Planning Commission - Regular Meeting - Mar 5, 2024 6:00 PM**
- 5. PUBLIC HEARINGS**

A. ZOA 2024-02 Disabled Facilities

5.A.1. Public Hearing for ZOA 2024-02 Disabled Facilities

5.A.2. ZOA 2024-02 Disabled Facilities

5.A.3. ZOA 2024-02 Draft Ordinance

5.A.4. ZOA 2024-02 Exhibit A

B. ZOA 2024-03 Public Facilities

5.B.1. PH ZOA 2024-03 Public Facilities (PF) Zone

5.B.2. ZOA 2024-03 Public Facilities Zone

5.B.3. ZOA 2024-03 Draft Ordinance

5.B.4. ZOA 2024-03 Exhibit A

**6. FINAL ORDERS AND RECOMMENDATIONS**

6.1. Final Order 2024-01 for CUP 2023-02

6.2. Final Recommendation for ZOA 2024-02

6.3. Final Recommendation for ZOA 2024-03

**7. COMMENTS FROM THE PUBLIC**

**8. DIRECTOR'S REPORT**

**9. COMMENTS BY PLANNING COMMISSIONERS**

**10. ADJOURN**

*All information for this meeting is available on the City of Lincoln City website at [www.lincolncity.org](http://www.lincolncity.org), and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, at 541-996-1203.*

City of Lincoln City  
**PLANNING COMMISSION COMMUNICATION**

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**Joint City Council/Planning Commission Meeting**

Meeting Date: March 19, 2024  
Department: Planning & Community Development  
Staff Contact: Richard Townsend  
Phone/Email: [rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)  
541-996-1228

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**ISSUE STATEMENT**

The Planning Commission has requested to meet with the City Council on occasion to discuss common community interests and the role of the Planning Commission.

**ACTION REQUESTED**

None. For discussion purposes only.

**BACKGROUND INFORMATION**

Strategic Priorities: The City Council established six strategic priorities at their retreat in 2023, including emergency management preparedness, financial health, economic development, housing, infrastructure, and environment.

Committee for Citizen Involvement: The Planning Commission thoroughly reviewed the issue of citizen involvement during the development of the Comprehensive Plan in 2022 and 2023. Development of an updated public engagement program was a priority objective as described in chapter one of the Comprehensive Plan. In addition, the City Council discussed this topic at their July 26, 2023 work session.

**NEXT STEPS**

Consider a timetable for periodic joint meetings.

**ATTACHMENTS**

City Council Strategic Priorities  
Resolution 94-33  
LCMC Chapter 2.14 Committee for Citizen Involvement  
Lincoln City Comprehensive Plan 2043 Chapter One



## STRATEGIC PRIORITIES

The Council identified six strategic priorities for Lincoln City as they focus on creating a future that will continue to provide a high quality of life for residents and other stakeholders. Under each strategic priority, the Council listed milestones that give some clarity and definition to what the Council desires. The City Staff, under the guidance of the City Manager, will now develop initiatives that support these priorities and milestones. The strategic priorities are listed below in no order.

### STRATEGIC PRIORITY: EMERGENCY MANAGEMENT PREPAREDNESS

#### Milestones:

1. Evaluate our current plans and update them as required.
2. Develop an internal and external communication plan and action plan.
3. Implement the plan, including internal and external feedback loops.
4. Review lessons learned from previous emergencies with Council and Staff.

### STRATEGIC PRIORITY: FINANCIAL HEALTH

#### Milestones:

1. Maintain reserve ratios.
2. Prioritize projects and identify funding needs.
3. Use utility rates to fund infrastructure maintenance.
4. Create revenue diversification for funding.
5. Utilize debt financing for CIPs.

## **STRATEGIC PRIORITIES** *continued*

### **STRATEGIC PRIORITY: ECONOMIC DEVELOPMENT**

#### **Milestones:**

1. Adopt the Urban Renewal Plan that will provide for a lite industrial park.
2. Do economic opportunities analysis and buildable land inventory.
3. Consider re-zoning areas to be planned industrial.
4. Seek funding for economic development tools.

### **STRATEGIC PRIORITY: HOUSING**

#### **Milestones:**

1. Allow all housing types in all mixed use, residential, and commercial zones.
2. Eliminate conditional uses and make permitted uses with standards.
3. Create code language that establishes homeless shelter standards.
4. Phase out VRD from residential zoning and expand VR zone.
5. Eliminate lot size requirements, while keeping the same setback standards.

### **STRATEGIC PRIORITY: INFRASTRUCTURE**

#### **Milestones:**

1. Create a master plan of facilities and assets so that they are all identified along with a list of their upgrade and maintenance needs.
2. Prioritize repairs that are needed.
3. Create a long-term schedule with possible funding mechanisms.
4. Communicate the needs creatively to the community.

### **STRATEGIC PRIORITY: ENVIRONMENT**

#### **Milestones:**

1. Develop a climate action plan.
2. Begin implantation of climate action plan.
3. Create a plan to protect the watershed and Devil's Lake and other resources and assets that are not addressed by the climate action plan.

## Chapter 2.14 COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)

Sections:

**2.14.010 Established – Purpose.**

**2.14.020 Membership.**

**2.14.030 Powers and duties.**

**Code reviser's note:** Pursuant to LMC 2.08.015, the planning commission is selected to serve as the CCI.

### **2.14.010 Established – Purpose.**

The committee for citizen involvement is hereby established and shall function to assist the city council in monitoring and evaluating city responsibility regarding Goal 1 of Oregon's Statewide Planning Goals and Guidelines: Citizen Involvement. (Ord. 2017-05 § 5)

### **2.14.020 Membership.**

The committee for citizen involvement is hereby established and shall consist of seven members. Membership should be broadly representative of geographic areas and interests related to land use and land use decisions. The governing body shall appoint two members who are qualified electors from each ward of the city and one qualified elector of the county who resides in the urban growth boundary of the city, but does not reside within the city limits. (Ord. 2017-05 § 5)

### **2.14.030 Powers and duties.**

The CCI shall be directly responsible to the city council and shall have the following powers and duties:

A. Responsibility for assisting the city council with the development of a citizen involvement program that promotes and enhances citizen involvement in land use planning, assisting in the implementation of the citizen involvement in land use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

B. The committee shall operate consistent with OAR 660-015-0000(1) (Goal 1) until the comprehensive plan citizen involvement program is amended pursuant to the procedures in ORS 197.610. (Ord. 2023-07 § 1; Ord. 2017-05 § 5)

RESOLUTION NO. 94 - 33

A RESOLUTION ADOPTING A CITIZEN INVOLVEMENT PROGRAM (CIP) FOR THE CITY OF LINCOLN CITY LAND USE PLANNING PROCESS

WHEREAS, the Comprehensive Plan of the City of Lincoln City, as amended, states that it is the goal of the City to develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process; and

WHEREAS, the Comprehensive Plan states that it is a Citizen Involvement Policy of the City that the Committee for Citizen Involvement and its format, responsibilities and the basic elements of the Citizen Involvement Program are to be established by Resolution of the City Council; and

WHEREAS, the Committee for Citizen Involvement has recommended to the City the adoption of a Citizen Involvement Program (CIP); and

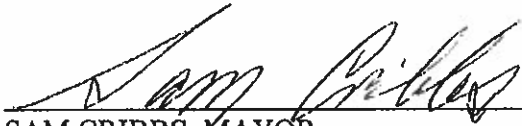
WHEREAS, the Planning Commission has forwarded the proposed Citizen Involvement Program to the City Council, with a neutral recommendation; and

WHEREAS, the City Council has reviewed the recommended Citizen Involvement Program and, with minor revisions, wishes to adopt the Program;

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

The Citizen Involvement Program attached hereto as Exhibit "A" hereby is adopted as the Citizen Involvement Program for the City of Lincoln City's land use planning process.

PASSED AND APPROVED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of November, 1994.

  
SAM CRIBBS, MAYOR

  
D. W. WORKS, CITY RECORDER

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**CITIZEN INVOLVEMENT PROGRAM (CIP)  
CITY OF LINCOLN CITY, OREGON**

**INTRODUCTION**

The Citizen Involvement Program (CIP) of Lincoln City is designed to afford opportunity for all citizens to participate to the greatest extent possible in all appropriate phases and levels, of the City's public decision-making process.

Lincoln City Resolution No. 93-12, approved by the City Council on April 26, 1993, revised the Committee for Citizen Involvement (CCI) to consist of seven members appointed by the City Council, two from each of the three city wards and one from the Urban Growth Boundary outside city limits. The CCI is charged with the responsibility for assisting the City Council with:

1. the development of a Citizen Involvement Program (CIP) that promotes and enhances citizen involvement in land-use planning,
2. implementation of the CIP, and
3. a yearly objective evaluation of the process being used and the effectiveness of the CIP.

The Citizen Involvement Program of Lincoln City is in compliance with Oregon law and consistent with Lincoln City's comprehensive plan and with the two state planning goals and guidelines which deal with the planning process, Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning), as directed by the Land Conservation and Development Commission (LCDC).

As stated in the state handbook, *How To Put The People In Planning*<sup>1</sup>, the reasons for involving citizens in the planning process are:

1. "The law *requires* that citizens get that opportunity."
2. "Professional planners and local officials need comments and ideas from those who live and work there."
3. "It creates an informed community, which in turn leads to better planning."
4. "It fosters cooperation among citizens and between them and their government. That leads to fewer conflicts and less litigation."
5. "Having citizens informed about planning laws and giving them access to the planning process ensures that laws are applied properly."

According to the state handbook referenced above, planning is a process made up of many steps, including these:

- gathering technical data and facts needed to make sound policies and decisions;
- evaluating community needs, values and goals;
- adding new policies to the comprehensive plan or amending existing ones;
- adding items to the plan's inventory of community resources;
- periodically reviewing and revising the plan;
- applying the plan's policies to specific land use decisions;
- developing, maintaining, and applying the ordinances used to carry out the plan;
- creating a new element of the plan, such as a transportation plan<sup>2</sup>.

(After input from interested agencies, groups and individuals, the CIP will go through a public hearing process before being approved by the City Council. If the CIP is accepted by the Department of Land Conservation and Development (DLCD), the CIP will need to be adopted by resolution of the City Council and minor revisions would need to be made to the Goal 2 section of the Lincoln City Comprehensive Plan Ordinance. This paragraph will be removed in the final plan.)

## CITIZEN INVOLVEMENT AND INFLUENCE

Included in this section are goals and guidelines for citizen involvement in three areas: periodic review of the city's comprehensive plan, implementation measures to carry out the plan, and the organization and participation of neighborhood associations in the City's public decision-making process.

### *A. Periodic Review*

All Oregon cities and counties are required to reevaluate and update their comprehensive plans every four to seven years to reflect changes in circumstances since the last review, to bring the local plan into conformance with new state goals and rules or specific planning tasks called for by LCDC, and to coordinate the plan with any new state agency plans or programs relating to land use. This process is known as the "periodic review"<sup>5</sup>.

The general public, through the CIP, shall have the opportunity to be involved in the evaluation of the comprehensive land-use plan and the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

The manner in which the general public can become involved in the periodic review process and the methods of the City will use to encourage such involvement are described in the balance of this section.

The City shall appoint Citizen Advisory Committees for periodic review work tasks to provide an opportunity for citizen involvement in work tasks.

Oregon Administrative Rule (OAR) 660-25-080 requires that Lincoln City shall:

1. Use its acknowledged or otherwise approved CIP to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review.
2. Publish a notice in the newspaper of general circulation within the community informing citizens about the initiation of the periodic review.
3. Provide written notice of the initiation of the periodic review to other persons who, in writing, request such notice.

In addition to the OAR requirements, the City shall provide notice on local radio and television stations. The City shall provide adequate notice (as above), with an easily-understood summary, of each stage in the periodic review process as it begins and of each work task as it is completed.

The stages of the periodic review process are:

- evaluation of the comprehensive plan
- determination and scheduling of work program tasks
- review of and recommendations on proposed changes to the comprehensive plan

Citizens and other interested persons shall have the opportunity to participate, at a minimum, in the following ways:

1. They may comment in writing, in advance of, or at one or more hearings at each stage of the periodic review process.
2. They may present comments orally at one or more hearings at each stage of the periodic review process.
3. They shall receive a response to their comments at, or following, each hearing.<sup>4</sup>

## **B. Implementation Measures**

"Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions of the Plan, and Implementation Measures."<sup>5</sup>

*"Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.*

*"Plans -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts."<sup>6</sup>*

These Implementation measures include those related to zoning, parks, open spaces, annexations, traffic, public safety, administrative decisions, sanitation, water, sewer, and other services that affect citizens, neighborhoods or business establishments.

The CIP will provide the opportunity for public participation with City government for land use decisions, such as environmental studies, periodic review work tasks, and other projects of wide interest, as designated by City Council.

Citizens shall have the opportunity to be involved in Land Use Decisions, both legislative and quasi-judicial, in Limited Land Use Decisions and in Administrative (Ministerial) Decisions in various ways, as follows:

The statutes and judicial interpretations of the State of Oregon have separated land use decisions into different categories: legislative, quasi-judicial and administrative. The lines separating each category are not clear, and it is more appropriate to think about land use decisions as a continuum along an axis that describes the amount of discretion that may be exercised in making a decision. Visually, land use decisions look like this:



A decision on whether or not a conditional use should be granted is a quasi-judicial decision. The Planning Commission has been granted the authority to make some of the quasi-judicial land use decisions in the City. The Council may review those decisions on appeal.

The courts and the Legislature have established rules by which land use decisions must be made. ORS 227.178 requires the City to take final action on an application for a permit for a land use decision or zone change within 120 days after the application is deemed complete. The statutes define "permit" as a discretionary approval of a proposed development of land.

Appendix C shows the Lincoln City Quasi-Judicial decision process and citizen involvement opportunities.

### **Legislative Decisions**

Council decisions that develop and establish policy are considered legislative decisions. A legislative land use decision creates and adopts as law, policies and regulations for future land use within the jurisdiction. Examples of legislative decisions are adoption and amendment of the text of the Comprehensive Plan or the Zoning Ordinance. In Lincoln City, the Planning Commission can make recommendations to the Council for or against the amendment of certain policies and standards. But only the City Council can amend the Zoning Ordinance or Comprehensive Plan. For example, if the Planning Commission were to recommend to the City Council that the residential front yard setbacks in the City were to be revised, it would be a policy recommendation. However, it is only the Council that could actually adopt legislation necessary to amend the Zoning Ordinance yard setback requirements.

State law requires that the City of Lincoln City comply with its acknowledged Plan in making amendments. Prior to taking final action on a land use legislative decision, the City of Lincoln City must give 45 days notice to DLCD. Even though the process is often times quite technical and subject to state statutes and City standards, the City still has a great deal of discretion in terms of making legislative decisions. Ultimately, it is up to the Council to set the regulatory standards for the City of Lincoln City.<sup>7</sup>

Appendix D shows the Lincoln City Legislative decision process and citizen involvement opportunities.

### **General Considerations**

Citizens have the right to review any development permit application file, the right to make comments in writing to be placed in the file, and the right to have copies of any material in the file at a reasonable cost. Permit applications shall be furnished weekly to the local news media.

In every instance in which City ordinances, resolutions and policies require notification of neighbors of development applications and permits, comprehensive plan map or text amendments or any other land use planning issues, neighbors within 100 ft. (500 ft. for subdivisions and planned unit developments), the appropriate neighborhood association will be notified, and a notice published in the local newspaper.

When such notice relates to the site plan review process, a fourteen (14) day period for submission of written comments, before the site plan review meeting, will be provided. The planning director will provide written notice of the site plan review decision to any person who submitted written comments during the fourteen day comment period.

Affected parties have the right to appeal administrative land use decisions to the Planning Commission.

Citizens have the right to present testimony in favor of, in opposition to, or neutral to any land use issue at all public hearings, orally and/or in writing.

In conjunction with significant enactments, it would be appropriate to hold workshops and/or town hall meetings on legislative land use matters.

The Planning Department shall provide local news media with copies of all legal notices at the same time they are mailed to affected property owners.

### *C. Neighborhood Associations*

Since well-organized neighborhood associations are the backbone of any successful Citizen Involvement Program, the CCI encourages their formation throughout the City and the Urban Growth Boundary, their recognition by the City as Citizen Advisory Committees, and their involvement in all phases of the public decision-making process.

A neighborhood association which meets the following requirements for organization and formal recognition may submit a request to the City Manager for recognition by the City Council.

1. The boundaries of a neighborhood association shall specifically define an area of appropriate geographic size and population, never less than 50 households. These boundaries shall take into account natural boundaries, commercial patterns and historical factors. The boundaries should not overlap those of any other neighborhood association, unless any neighborhood association affected agrees in writing.
2. Membership shall be open to any property owner or tenant within the recognized boundaries of the neighborhood association. The neighborhood association may establish additional, reasonable voting criteria, such as requiring attendance at a minimum of one meeting within the year before being allowed to vote.
3. The neighborhood association shall be open to the total area and diversity of interests present within its boundaries, without discrimination as to race, religion, color, sex, sexual orientation, age, disability, national origin, income, means of livelihood, or political affiliation in any of its policies, recommendations or actions.
4. All meetings must be well-publicized in advance and must abide by the public meetings and public records law (ORS 192.410-192.710). The minutes shall include a record of attendance, results of any vote taken, and a record of any official action decided upon, including a summary of dissenting views.
5. The neighborhood association should meet more than once a year and should have an organizational structure that will ensure that recommendations coming from the association truly represent the neighborhood and not just the viewpoints of the board members.
6. The neighborhood association shall prepare and keep on file a complete and up-to-date set of bylaws.

7. Bylaws shall describe means for designating spokespeople and maintain a current mailing address.
8. Bylaws shall describe means for resolving grievances concerning the activities, policies or recommendations of the neighborhood association.
9. If a neighborhood association becomes inactive because of loss of leadership or participation, the City will allow it to reorganize within one year's time, rather than withdrawing recognition.
10. Neighborhood associations shall inform themselves of neighborhood needs and desires and maintain communication with their neighborhood on plans, proposals and activities affecting their area.
11. Neighborhood association officers, directors and volunteers need to determine their legal exposure and their need for liability insurance coverage. Members of Citizen Advisory Committees appointed by the City Council will have liability coverage provided by Lincoln City for claims of property damage, bodily injury, personal injury, or claims of an alleged act or omission occurring in the performance of duty. (ORS 30.285).

Recognized neighborhood associations will serve as Citizen Advisory Committees to the City Council, Planning Commission, and other city boards, commissions, officials and staff on matters affecting their neighborhoods. However, such committees will not have liability coverage provided by the city of Lincoln City.

The City shall notify recognized neighborhood associations of land use applications subject to site plan review regarding sites within the geographic boundaries of the neighborhood association and/or within 100 ft., or within 500 ft. in case of subdivisions and PUDs, outside the neighborhood association boundaries, fourteen (14) days before the scheduled review of the site plan. Written comments may be presented to the site plan review during this 14-day period. The planning director will provide written notice of the site plan review decision to any association that submitted written comments during the 14-day comment period. The City shall notify recognized neighborhood associations of a quasi-judicial land use hearing concerning an application within the geographic boundaries of the neighborhood association and/or within 100 ft., or within 500 ft. in case of subdivisions and PUDs, outside the neighborhood association boundaries, at the same time it notifies the applicant and property owners within 100 ft. (or 500 ft.) of the subject property.

Recognized neighborhood associations shall be notified of proposed changes in projects, services and activities having a significant effect upon their neighborhood (e.g., land use, transportation and traffic, parks and recreation, housing, public services, and urban renewal) in ample time to allow participation in the decision-making process.

## COMMUNICATION AND FEEDBACK

Citizens of the Lincoln City area are valued participants in the local decision-making process. They have the right and responsibility to be fully informed about the process, to express their views and to receive a timely response to their concerns.

To assure effective two-way communication between citizens and their elected and appointed officials, and City staff, the following mechanisms shall be established:

1. Once a year the CCI will prepare and publish in The News Guard, an objective, mail-back questionnaire for all residents of the Lincoln City area, to get public opinion on how well the Citizen Involvement Program is working and how it can be improved. Results will be quantified, summarized and published in the newspaper.
2. The CCI will prepare a bibliography, with abstracts, of all reference materials relating to Lincoln City available at Driftwood Library, to be posted in the library area set aside for these materials. Copies of the bibliography will be provided upon request.
3. Minutes of meetings of the City Council, Planning Commission, Citizen Advisory Committees, CCI, special districts and any other bodies receiving public funds, will be kept in looseleaf binders in the Lincoln City reference area of the Library.
4. The CCI will assist in the preparation and review the production of an informational brochure about citizen involvement. The CCI will seek community comment before final review and approval of such a brochure.
5. The Planning Department will prepare and make visible at their front counter, a list of categories of documents and files, topographical and zoning ordinance maps, rules and regulations, and a list of photographs, which are available to the public for review, copying, handout, or purchase.
6. The Planning Department shall furnish Planning Commission agendas to local news media.
7. Before the biennial workshop in which the City Council and City staff formulate goals and objectives for the next two years, the City shall solicit input from Citizen Advisory Committees and the general public at a town hall meeting or hearing.
8. City staff will recommend to developers and builders of other than single and two-family homes that they meet to discuss their projects with

neighborhood groups prior to the pre-application conference and/or site plan review.

9. The Planning Department will mail its quarterly report to all Citizen Advisory Committees, including neighborhood associations, to appropriate county, state and federal agencies with land use programs, to local community groups interested in planning matters, and the CCI. This quarterly report could include a list of building and development applications, summaries of master plans and studies, reports about ongoing projects (including periodic review work tasks), and other planning news.

10. The CCI encourages City staff and local schools to coordinate classes, field trips and internships to acquaint students with city government and land use planning.

11. Any parties who testify at a public hearing orally, or in writing, will receive notice of the decision of the hearing body. Any citizens or interested persons who comment orally, or in writing, at a public meeting shall receive a response, either at or following the meeting. City staff shall make a strong effort to respond to citizens' phone inquiries within two working days. Receipt of letters should be acknowledged within a week and some indication given of action taken, if appropriate.

12. When new plans, policies or regulations relating to the land use process are adopted, the City will send a summary and rationale for the decision, to those citizens who participated in the process, to show appreciation and to give a sense of partnership to those who supported and helped develop them, and to acknowledge the interest and active involvement of those who opposed them.

## TECHNICAL INFORMATION

Citizens have the right to information in a simplified, understandable form, and sufficient to make knowledgeable input. Assistance shall be provided by City staff to interpret and effectively use technical information.

"Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) shall provide assistance to the citizen involvement program. The roles, responsibilities and timelines in the planning process of these agencies shall be clearly defined and publicized.

"Technical information shall include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning."<sup>8</sup>

When the City makes reference to statutes or ordinances in public announcements, legal notices, press releases, and agenda, the City shall inform citizens where the statute or ordinance may be reviewed and make its best effort to clarify the issues to be considered.

In all public notices, references to geographic locations shall clearly mark, in easy-to-read print, street names, addresses, lot numbers, and surrounding landmarks.

When the City includes Resolutions, Amendments, Zone Changes, or any other final decision scheduled for action on its meeting agenda, the City will include the rationale for the discussion and will translate all technical language, including coding, in understandable form for the average citizen.

## FINANCIAL SUPPORT

"The level of funding and human resources allocated to the citizen involvement program shall be sufficient to make citizen involvement an integral part of the planning process."<sup>9</sup>

To insure citizen involvement in planning issues of Lincoln City, line items for appropriate funds, both for the CCI and for the Citizen Involvement Program, must be included as an integral component of the planning budget each year.

To further bolster the CCI and the CIP, a predetermined amount of staff attendance and clerical support from the Planning Department should be provided at CCI meetings when requested by the CCI. Good communication, networking, economy and efficiency are the underlying rationale for the time spent.

## BIBLIOGRAPHY

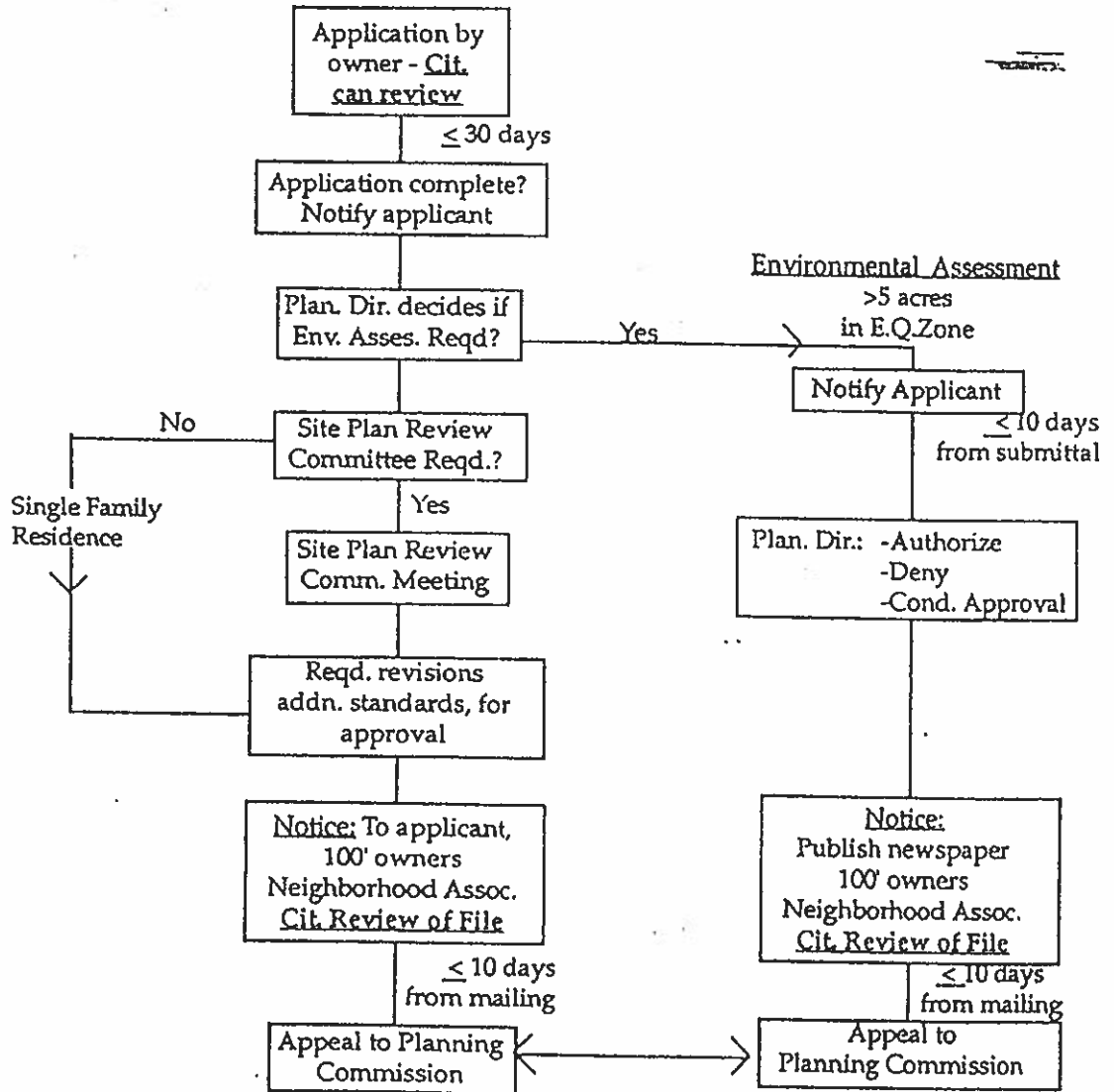
1. Citizen Involvement Advisory Committee. *How To Put The People In Planning*. CIAC: Salem, Oregon. July 1992.
2. \_\_\_\_\_. pp. 5-6.
3. Department of Land Conservation and Development. *A Citizen's Guide to Oregon's Coastal Management Program*. DLCD: Salem, Oregon, 1988. p. 5.
4. Oregon State Legislature. *Oregon Administrative Rule (OAR) 660-25-080 State of Oregon*: Salem, Oregon, 1991.
5. Land Conservation and Development Commission. *Oregon's Statewide Planning Goals*. LCDC: Salem, Oregon, 1990. Goal 1, Citizen Involvement.
6. \_\_\_\_\_. Goal 2, Land Use Planning.
7. City Attorney Joan Chambers. Memo to the CCI, April 18, 1994.
8. Land Conservation and Development Commission. *Oregon's Statewide Planning Goals*. LCDC: Salem, Oregon, 1990. Goal 1, Citizen Involvement.
9. Land Conservation and Development Commission. *Oregon's Statewide Planning Goals*. LCDC: Salem, Oregon, 1990. Goal 1, Citizen Involvement.
10. \_\_\_\_\_. Goal 1, Citizen Involvement.

cclclp.wps

**LINCOLN CITY DECISION PROCESS**  
**COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)**

ADMINISTRATIVE (MINISTERIAL) [STAFF DECISIONS]

- Little Discretion
- Mechanical
- Routine





## ***CITIZEN INVOLVEMENT***

The effectiveness of government can only be measured by the extent to which it truly meets the needs of all citizens. Good decision-making is predicated on engaging a complete cross-section of the community and encouraging all to participate in the decisions that will affect them. Community engagement, which is foundational to successful and effective land use planning, is a required part of land use planning in Oregon. Citizen involvement is the first of the planning goals in the statewide land use planning system and is the first chapter in Lincoln City's comprehensive plan. The statewide planning goal requires a committee for citizen involvement (CCI) to monitor and encourage public participation in planning. City council has officially designated the Lincoln City Planning Commission as the CCI for Lincoln City.

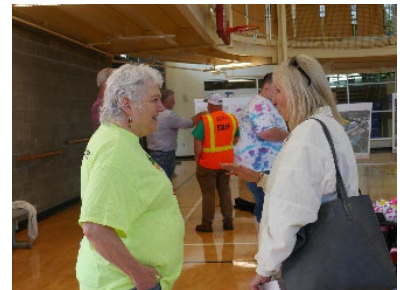
Engaging the public in a meaningful way as land use decisions are made is key, going beyond simply conducting required participation activities. A great citizen involvement program gives participants assurance that they will be heard, and gives elected leaders and citizens confidence that land use decisions will be balanced and positioned for the public good.

## GOAL

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

## POLICIES/OBJECTIVES

1. Ensure that the Committee for Citizen Involvement (CCI) guides public participation in the land use planning process, by emphasizing the need to inform, consult, engage, and collaborate with the community.
2. Prioritize the creation of an inclusive and transparent citizen involvement program that goes above and beyond required notification and establishes consistent procedures for how staff will plan, implement, and evaluate public involvement activities within the context of land use planning in Lincoln City. Ensure the following are effectively implemented and evaluated on an annual basis:
  - Create opportunities for widespread public involvement;
  - Ensure effective two-way communication with the public;
  - Enhance methods for the public to be engaged in all phases of the planning process;
  - Ensure technical information associated with land use planning is easy to understand;
  - Create feedback mechanisms for policy makers to respond to public input; and
  - Budget adequate financial support for public involvement efforts.
3. Provide information regarding land use planning applications and land use planning projects in a variety of accessible and easy to understand formats, including other languages where appropriate.
4. Uphold effective traditional methods of involvement while embracing emerging technologies to extend participation in the land use planning process through a variety of media, outlets, and formats.
5. Continue to improve the city's website interface and platform to increase access to information, services, news, records, and maps pertinent to land use planning applications and projects.



6. Harness current and emerging technologies and availability of open-source data for interactive participation in all phases of the land use planning process, including a process for quantifying and synthesizing citizens’ attitudes.
7. Identify options to increase participation with the community’s marginalized and underrepresented groups in the land use planning process, including but not limited to Tribal representatives and renters.
8. Develop partnerships with community groups, such as neighborhood organizations, faith groups, business interests, schools, and other interest area representatives to take advantage of existing communication networks for disseminating information pertaining to land use planning applications and projects.
9. Ensure adequate resources are available to meet the community’s need for public information and public involvement pertaining to land use planning applications and land use planning projects.
10. Create and utilize clear measures to assess the success of Lincoln City’s citizen involvement program.



**STATEWIDE PLANNING GOALS ADDRESSED**

Citizen Involvement	Public Facilities & Services
Land Use Planning	Transportation
Natural Resources, Scenic & Historic Areas, Open Spaces	Energy Conservation
Air, Water and Land Resource Quality	Urbanization
Areas Subject to Natural Hazards	Estuarine Resources
Recreational Needs	Coastal Shorelands
Economic Development	Beaches and Dunes
Housing	Ocean Resources

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
March 5, 2024**

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Brian Bunnett	Commissioner	Present	
Jason Corso	Commissioner	Present	
Erick Albretsen	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Kim Blackerby	Chair	Present	

**2. CONSENT AGENDA**

Commissioner Brian Bunnett moved to approve the minutes as written, seconded by Commissioner Erick Albretsen. The motion was approved unanimously.

<b>MOTION:</b>	<b>Planning Commission - Regular Meeting - Feb 20, 2024 6:00 PM</b>
<b>MOVER:</b>	<b>Brian Bunnett, Commissioner</b>
<b>SECONDER:</b>	<b>Erick Albretsen, Commissioner</b>
<b>RESULT:</b>	<b>Passed</b>

**3. PUBLIC HEARINGS/DELIBERATIONS**

1. CUP 2023-02 Lincoln Palisades Ph VI

Chair Blackerby opened the public hearing at 6:05 PM and read the preliminary statements. All of the Planning Commissioners disclosed that they had visited the site, and stated that they had not pre-judged the application. No challenges were offered. Planning Director Richard Townsend presented the applicable substantive criteria.

Chair Blackerby provided details of the public hearing required procedures.

Director Townsend presented the staff report, utilizing a powerpoint presentation. As described in the staff report, Director Townsend clarified the three components of the application, including Conditional Use Permits for the sewer extension and the road fill, and a Modification to break the project into two phases, Phase VI Sub-1 and Phase VI Sub-2. Director Townsend provided an overview of the findings for each of the relevant criteria relating to the sewer line extension. Staff concluded that the project met the criteria.

Responding to a question from Chair Blackerby, Director Townsend stated that due to the date the application was received, the relevant criteria were based on the old Comprehensive Plan, and not the 2043 plan adopted in December.

Next, Director Townsend presented the findings relating to the second component, the road fill in City-owned open space. Staff concluded that the fill is not an allowed use, nor is it permitted as a

conditional use. Even assuming it is a conditional use, the proposal for road fill is not consistent with the Comprehensive Plan, nor is it consistent with the Conditional Use criteria.

Director Townsend emphasized the importance of asking all questions during the public hearing.

Chair Blackerby asked for clarifications regarding the proposed gravity sanitary sewer. He also cited concerns regarding the street naming, and Director Townsend stated that the City will ultimately be responsible for naming the streets based on local ordinances. Chair Blackerby also asked Director Townsend to comment regarding the access concerns cited by North Lincoln Sanitary Services (NLSS) and North Lincoln Fire & Rescue District (NLFRD). Director Townsend stated that the agency comments were relevant to the building permit process moving forward, and not criteria for consideration within the conditional use process. The roadway design was previously approved.

Chair Blackerby asked why work on the site is already underway. Director Townsend responded that there is an approved grading permit for the portions of the site not under review within the current CUP discussion. Chair Blackerby noted that on his visits to the site he had not noticed any erosion control measures in place.

Director Townsend concluded his presentation with a discussion of the staff report findings relating to the requested modification to reduce the number of total lots and to separate the project into two phases. Staff concluded that the relevant criteria had been met.

Commissioner Bunnett stated that the construction traffic, noise and neighborhood impacts would be experienced twice under the proposed two-phase scenario, arguing that it could be seen as having substantial negative effects. Responding to a question from Commissioner Albretsen Director Townsend stated that there was no given timeline for the full completion of the project.

Commissioner Blackerby recalled that the Planning Commission had recommended specific routes for construction traffic as part of the prior approval. He was interested in bringing this condition forward within the current CUP, or enforcing existing rules to reduce this impact.

Hayden Wooten, Senior Land Use Planner for Reece Engineering presented for the applicants. Mr. Wooten stated that the applicants agreed with all of the findings within the Staff Report, and that they were reverting back to the original design that would not require any fill for the roadway to be placed in the open space. In response to a question from Director Townsend, Mr. Wooten said he was withdrawing the portion of the application seeking a conditional use permit for placing fill in the City-owned open space.

Responding to a question from Chair Blackerby, Mr. Wooten stated that the applicants requested the continuance in order to provide additional evidence to support their request to fill for the roadway. Chair Blackerby asked that should the applicants need to request a continuance for any future public hearings that adequate notice be provided.

Chair Blackerby commented that the application had been inaccurate and confusing regarding the street names. Mr. Wooten concurred.

Responding to a question from Commissioner Bunnett, Mr. Wooten clarified the sequence of events between the applicant's first submittal, the original staff report, the revised applicant

narrative, and the revised staff report. Director Townsend added that the original application did not include any clear request relating the road fill.

Mr. Wooten provided additional rationale regarding the other two components of the project, including the sewer extension, and the proposed phasing. He responded to Commissioner concerns regarding the erosion control for the currently active grading permit, and the comments from NLSS and NLFRD.

Commissioner Albretsen asked for clarification regarding whether or not the proposed Ultrablock construction would be a part of the future development. Mr. Wooten stated that the details of the construction of a future wall or bridge will be developed later and evaluated by Public Works staff in other permitting processes. Commissioner Albretsen also asked about the general grading of the site, and what type of slopes are anticipated. He also asked whether or not a geotechnical evaluation would be conducted to support the stormwater design. Mr. Wooten stated that these were also details that would be addressed outside of the current CUP.

Responding to a question from Commissioner Bunnett, Mr. Wooten described the general timeline for the two phases of the project. He stated that the City required that the full project be platted by early 2025, so that both phases would be moving forward quickly. The additional time needed for re-engineering the more complex part of the project was the reason for separating the phases and reducing the number of lots. Mr. Wooten clarified that the final plat is the process where the surveyor records final lot lines, and dedicated easements and right-of-way are submitted to the City for final approval. It is done when construction is complete and improvements have been bonded. The deadline for this work is January 19, 2025.

Chair Blackerby commented that the phasing was likely also related to the financing for the project. He also pointed out that the sewer extension required a CUP due to the City rezoning the open space parcel after the initial approval of the subdivision.

Responding to a question from Chair Blackerby, Mr. Wooten stated that the decision to use a gravity sanitary sewer instead of constructing a lift station was in the best interest of the project and the City, considering the long-term maintenance and operation costs associated with the lift station.

Commissioner Albretsen expressed concerns that the development of Phase Sub-2 would continue to be problematic, and that there would be ongoing land use permitting requests in the near future. Mr. Wooten confirmed that the applicants were committed to completing the project.

Responding to a question from Commissioner Albretsen, Mr. Wooten stated that there were no dedicated access points within the development connecting to the public open space.

Commissioner Bunnett asked for additional information about how the applicant would be addressing the comments from NLSS and NLFRD, and whether or not the applicant intended to address the written comments from neighbors that were included in the agenda packet.

Director Townsend stated that the staff report, although not explicitly, addressed the relevant neighbor comments. While not relevant to the application, he noted that R1-7.5 zoning did not allow a Short Term Rental (STR).

Responding to a comment from Chair Blackerby, Mr. Wooten stated that he would look into the erosion control measures currently required on the site to make sure the project was meeting their existing permit requirements. He added that he will also look into the traffic routing issues and discuss with the contractor. He stated that he would be comfortable with this being made a condition of approval.

Responding to a question from Director Townsend, Mr. Wooten clarified that the applicant would withdraw the road fill component of the CUP as long as it would not require a continuance. Hearing that no continuance was needed, the request for road fill on City property was withdrawn from the conditional use permit.

Director Townsend stated that he had heard from the Public Works Director that the City strongly preferred the gravity sewer system as opposed to a lift station.

Mr. Patrick Dunne provided testimony. He urged the Planning Commission to take additional time to consider the materials provided and to deliberate on the CUP. He also requested that they agree to delay all development in all phases of Lincoln Palisades until stormwater, notification, and traffic concerns are satisfactorily resolved. Mr. Dunne supported increasing the project notification to all Devils Lake waterfront property owners and the Devils Lake Water Improvement District due to the impacts of flooding. He also recommended that Roads End property owners be notified due to concerns regarding emergency evacuations.

Commissioner Bunnett acknowledged that the minimum requirements for notification did not necessarily include all possible interested parties. Director Townsend stated that our procedures are approved by DLCD to meet legal requirements, and in addition to the 500' radius the department notifies several neighborhood organizations. Assistant Planner Andrea Riner shared that ten organizations receive all notices, including neighborhood groups, other agencies, the Tribe, and the County.

Chair Blackerby shared his interest in improving public outreach to ensure more participation, and that the Planning Commission would continue to make steps to improve this element of the land use planning process. He stated that the Planning Commission did not have the authority to take action regarding the overall development, only on the two questions within the application before them. Director Townsend concurred.

Margaret Powell provided testimony, thanking the Planning Commission and the Planning Director. She recognized that the housing is needed, but that our public open space and Devils Lake should be priorities that needed ongoing protection. She urged caution and thorough discussion in future land use actions. She added that there are many different contractors working in the area that were contributing to the construction traffic.

There was no rebuttal from the applicant.

Responding to a comment from Mr. Dunne, Director Townsend stated that the Planning Commission could agree to leave the record open if needed to allow time for any parties to present additional evidence. The request from Mr. Dunne was not based on the need for additional evidence, and thus the Planning Commission did not move to keep the record open.

Commissioner Corso made a motion to close the public hearing, seconded by Commissioner Albretsen and agreed to by the rest of the Commission.

On the first question, the extension of the sanitary sewer line through the City-owned open space, Commissioner Albretsen moved to approve, with the conditions included in the staff report seconded by Commissioner Bunnett. Chair Blackerby asked that the motion include the condition to specify appropriate construction traffic routes. Commissioner Corso did not feel that condition was necessary. Commissioner Bunnett noted that not all construction traffic was from the applicant's contractors. Chair Blackerby still wanted to include the condition. The motion passed unanimously.

<b>MOTION:</b>	<b>Approve the extension of sanitary sewer through City-owned open space, with applicable conditions from the Staff Report and a condition to define construction traffic limitations.</b>
<b>MOVER:</b>	<b>Erick Albretsen, Commissioner</b>
<b>SECONDER:</b>	<b>Brian Bunnett, Commissioner</b>
<b>RESULT:</b>	<b>Passed unanimously</b>

On the second question, the phasing of the project, Commissioner Bunnett clarified that the applicant stated that they will make every attempt to sequence the two phases to reduce impacts to the neighborhood. He supported approval of the modification.

Commissioner Albretsen expressed his apprehension about the phasing, but he was open to supporting the modification.

Commissioner Corso stated that as long the projects were concurrent he did not see that there was a problem with approving the modification.

Chair Blackerby asked if the Planning Commission could condition the timeline of construction. Director Townsend stated that the deadline relating to the required plat should be sufficient, and that it would be problematic to require a timeline to complete actual construction of houses, since that was not in the control of the developer.

Commissioner Corso moved to approve the modification to reduce the number of lots and to split the project into two phases, along with the conditions included in the staff report. Commissioner Bunnett seconded the motion and it passed unanimously.

<b>MOTION:</b>	<b>Approve the modification to allow the project to be separated into two phases and to reduce the number of lots from 32 to 29, with applicable conditions from the Staff Report.</b>
<b>MOVER:</b>	<b>Jason Corso, Commissioner</b>
<b>SECONDER:</b>	<b>Brian Bunnett, Commissioner</b>
<b>RESULT:</b>	<b>Passed unanimously</b>

Chair Blackerby noted that the decision was a tentative verbal decision by the Planning Commission and that staff would prepare a written order to be adopted at the next available meeting. He thanked the members of the public for attending the public hearing.

**4. COMMENTS FROM THE PUBLIC**

None.

**5. DIRECTOR'S REPORT**

Director Townsend provided a follow-up to the discussion at the previous planning commission meeting regarding the 2023 meeting schedule and attendance records. He reported that further research had revealed that only six meetings were cancelled due to lack of quorum, and one was cancelled because the Planning Director was on vacation.

The Planning Commission recommended that the Director advise City Council to post the vacancy for Commissioner Sumner's position.

**6. PLANNING COMMISSIONER TRAINING**

None.

**7. COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Albretsen initiated a discussion about ways that individual Planning Commissioners might help spread the word about the need for more community participation in the planning process, including recruiting volunteers to serve as Planning Commission members. The rest of the commissioners concurred, suggesting that such efforts would be best following the joint meeting with the City Council.

Director Townsend stated that he was already working on scheduling the joint meeting.

Chair Blackerby asked if there was an update on the Overlook Subdivision. Director Townsend stated that there had been no activity, but that they still have another year to file their final plat.

**8. ADJOURN**

Chair Blackerby closed the meeting at 9:01 PM.

Respectfully submitted,

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Richard Townsend  
Planning Director

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Kim Blackerby  
Chair

# City of Lincoln City

## PLANNING COMMISSION COMMUNICATION

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### ZOA 2024-02 Disabled Facilities Allowances

Meeting Date: March 19, 2024  
Department: Planning & Community Development  
Staff Contact: Richard Townsend  
Phone/Email: [rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)  
541-996-1228

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### ISSUE STATEMENT

ZOA 2024-02 proposes amending Lincoln City Municipal Code (LCMC) Title 17 to broaden the types of disabled access facilities allowed in required setback areas when added to an existing dwelling and to exclude such facilities when determining the amount of lot coverage.

### ACTION REQUESTED

Staff requests that the Planning Commission conduct the required public hearing to receive testimony from staff and interested parties in preparation for deliberations and decision-making.

### AUTHORITY

17.76.060.G. Public Hearing Procedure. The planning commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC 17.76.160. In addition to the public hearing held by the planning commission, the city council shall also conduct a public hearing on Type IV applications.

17.76.060.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.

**OPTIONS**

1. Hold the public hearing.
2. Close or continue the public hearing
3. Close the record or keep the record open.
4. Approve the draft amendment as written, approve with recommended revisions, deny the zoning ordinance amendment.

**SUGGESTED MOTION**

I move to recommend that the Lincoln City City Council approve the zoning ordinance amendment ZOA 2024-02 as written.

*OPTION: I move to recommend that the Lincoln City City Council approve the zoning ordinance amendment ZOA 2024-02 with the following changes (TBD).*

**NEXT STEPS**

The Lincoln City City Council will hold a public hearing on April 8, 2024 in preparation for final review and adoption.

**ATTACHMENTS**

Draft Ordinance for ZOA 2024-02

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**ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.52 (SUPPLEMENTARY REGULATIONS AND EXCEPTIONS), AMENDING SECTION 17.52.160 (REQUIRED SETBACKS - EXCEPTIONS) AND ADDING A NEW SECTION 17.52.061 (MAXIMUM LOT COVERAGE – EXCEPTIONS).**

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

**The City Council finds:**

- A. The amendment to the Lincoln City Municipal Code is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment on February 13, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on March 19, 2024, held a public hearing and considered the amendment contained within this ordinance. On March 19, 2024, the Planning Commission voted to transmit the amendment to the City Council with a recommendation that the ordinance be adopted; and
- E. The City Council conducted the public hearing on March 19, 2024, closed the hearing, closed the record, and deliberated on the proposed amendment and directed that the ordinance be returned to Council for approval; and
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendment.

**THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 17.52 (Supplementary Regulations and Exceptions), Section 17.52.160 (Required Setbacks – Exceptions), Subsection 17.52.160.E. (Disabled Access Facilities) is hereby amended to read as follows:

1 E. Disabled Access Facilities. Disabled access facilities may be constructed in required setback  
2 areas as additions to existing buildings if they do not conflict with the clear vision requirements  
3 of LCMC 17.52.060. For purposes of this section disabled access facilities include ramps,  
4 **elevators, wheelchair lifts, stairway chair lifts,** sidewalks, curbing and entrances  
5 constructed for the purpose of making a building accessible to a disabled person. Disabled  
6 access facilities must be constructed in accordance with any applicable requirements of the  
7 building code in effect at the time of their construction. Disabled access facilities constructed as  
8 additions to a nonconforming structure shall not be considered an alteration or extension of  
9 the nonconforming structure.

10  
11 **SECTION 2.** Chapter 17.52 (Supplementary Regulations and Exceptions) is hereby amended by  
12 adding Section 17.52.161 (Maximum Lot Coverage – Exceptions) to read as follows:

13  
14 **17.52.161 Maximum Lot Coverage – Exceptions**

15  
16 **A. Disabled Access Facilities. Disabled access facilities may be constructed as additions to**  
17 **existing buildings without regard to maximum lot coverage restrictions if they do not**  
18 **conflict with the clear vision requirements of LCMC 17.52.060. For purposes of this**  
19 **section disabled access facilities include ramps, elevators, wheelchair lifts, stairway chair**  
20 **lifts, sidewalks, curbing and entrances constructed for the purpose of making a building**  
21 **accessible to a disabled person. Disabled access facilities must be constructed in**  
22 **accordance with any applicable requirements of the building code in effect at the time of**  
23 **their construction. Disabled access facilities constructed as additions to a**  
24 **nonconforming structure shall not be considered an alteration or extension of the**  
25 **nonconforming structure.**

26  
27  
28 **SECTION 3. Findings Adopted.** The findings contained in the Whereas Clauses of this  
29 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial  
30 evidence in the whole record of this legislative proceeding are incorporated into this section by  
31 reference as if fully set forth herein, and are adopted in support of this legislative action.

32  
33 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this ordinance  
34 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
35 validity of the remaining sections, subsections, paragraphs and clauses.

36  
37 **SECTION 5. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance  
38 takes effect 30 days after the date of its adoption.

39  
40 **SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the City of  
41 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",  
42 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or  
43 re-lettered, provided that any Whereas clauses and boilerplate provisions need not be codified  
44 and the City Recorder is authorized to correct any cross-references and any typographical errors.

1  
2 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
3 9.2 of the City of Lincoln City Charter on the 8<sup>th</sup> of April 2024 (First Reading and Second  
4 Reading).

5  
6 PASSED AND ADOPTED by the City Council of the City of Lincoln City this \_\_\_\_\_ day of  
7 \_\_\_\_\_, 2024.

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9 \_\_\_\_\_  
10 SUSAN WAHLKE, MAYOR

11 ATTEST:  
12  
13 \_\_\_\_\_  
14 JAMIE YOUNG, CITY RECORDER

15 APPROVED AS TO FORM:  
16  
17 \_\_\_\_\_  
18

19  
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## EXHIBIT A – FINDINGS FOR ORDINANCE 2024-01 (ZOA 2024-02)

### Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on February 13, 2024. Notice for the public hearings before the Planning Commission on March 19, 2024, and the City Council on April 8, 2024, was published in the local newspaper on March 6, 2024, and March 13, 2024.

### Summary:

**Ordinance 2024-01** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by amending Chapter 17.52 (Supplementary Regulations and Exceptions), amending Section 17.52.160 (Required Setbacks – Exceptions), and adding a new section 17.52.061 (Maximum Lot Coverage – Exceptions) to add to the types of disabled access facilities allowed to be located in required setbacks, and to exempt them from maximum lot coverage restrictions.

### Applicable Criteria:

**LCMC 17.77.130 provides, (emphasis added):**

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

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, 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.

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

A. Statewide Planning Goals

**Goal 1: Citizen Involvement**

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

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

Therefore, the amendment is consistent with Goal 1.

**Goal 2: Land Use Planning**

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and

circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

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

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

### **Goal 4: Forest Lands**

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

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

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

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

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendment is consistent with Goal 5.

### **Goal 6: Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

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

*To protect people and property from natural hazards.*

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

### **Goal 8: Recreational Needs**

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

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

### **Goal 9: Economic Development**

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

The proposed ordinance amendment does not directly relate to economic development as that term is used in this goal and does not adversely affect the provision of or ability to site businesses in the city. The amendment is consistent with Goal 9.

### **Goal 10: Housing**

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

The amendment would allow disabled access facilities to be added to existing houses in circumstances where the existing ordinance requirements would prohibit them. This would have the effect of preserving existing housing stock and also allow people to remain in their homes through adding disabled access facilities. The amendment is consistent with Goal 10.

### **Goal 11: Public Facilities and Services**

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

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

**Goal 12: Transportation**

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

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

**Goal 13: Energy Conservation**

*To conserve energy.*

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

**Goal 14: Urbanization**

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

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

**Goal 15: Willamette River Greenway**

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

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

**Goal 16: Estuarine Resources**

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

The amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already

controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

**Goal 17: Coastal Shorelands**

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

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

**Goal 18: Beaches and Dunes**

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**Goal 19: Ocean Resources**

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

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

## B. Comprehensive Plan Goals

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

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

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

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

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

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

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

These amendments are directed specifically to address needs of residents to be able to install necessary access facilities at their homes to enable them to remain in their homes even after becoming disabled. This amendment addresses this goal directly and is consistent with it.

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

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

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

### **Goal 4: Public Facilities and Services.**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of*

*public facilities and services in a manner that best supports the existing and proposed land uses.*

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

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

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

These amendments do not relate directly to the city's system of parks, trails, open space, and recreation amenities. This goal is not applicable.

**Goal 6: Economic Development.**

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

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

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

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

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

**Goal 8: Coastal Resources.**

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

*fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

These amendments do not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. They do not, by themselves, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

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

These amendments do not relate directly to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

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

These amendments do not relate directly to the city's land use planning process and policy framework except as demonstrated by the fact that they are going through the process including addressing the state's and city's land use planning policies as demonstrated in this document. The amendments are consistent with this goal.

## City of Lincoln City PLANNING COMMISSION COMMUNICATION

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### ZOA 2024-03 Public Facilities (PF) Zone

Meeting Date: March 19, 2024  
 Department: Planning & Community Development  
 Staff Contact: Richard Townsend  
 Phone/Email: [rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)  
 541-996-1228

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### ISSUE STATEMENT

ZOA 2024-03 proposes amending Lincoln City Municipal Code (LCMC) by establishing Chapter 17.41 Public Facilities (PF) Zone. This zone will provide areas for public safety facilities, public cultural facilities, park and recreation facilities, schools and other municipal infrastructure facilities, including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers.

### ACTION REQUESTED

Staff requests that the Planning Commission conduct the required public hearing to receive testimony from staff and interested parties in preparation for deliberations and decision-making.

### AUTHORITY

17.76.060.G. Public Hearing Procedure. The planning commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC 17.76.160. In addition to the public hearing held by the planning commission, the city council shall also conduct a public hearing on Type IV applications.

17.76.060.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.

**BACKGROUND INFORMATION**

The Lincoln City Comprehensive Plan 2043, adopted by the City Council on December 7, 2023, included a new land use designation, as follows:

Public Facilities (PF) The PF designation provides for park and recreational facilities and public facilities and waterways to ensure a safe and healthy community and to accommodate residential, commercial, and industrial growth. Lands containing municipal infrastructure facilities, including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers, are included in the PF designation.

This amendment is intended to implement this part of the comprehensive plan.

**OPTIONS**

1. Hold the public hearing.
2. Close or continue the public hearing
3. Close the record or keep the record open.
4. Approve the draft amendment as written, approve with recommended revisions, deny the zoning ordinance amendment.

**SUGGESTED MOTION**

I move to recommend that the Lincoln City City Council approve the zoning ordinance amendment ZOA 2024-03 as written.

*OPTION: I move to recommend that the Lincoln City City Council approve the zoning ordinance amendment ZOA 2024-03 with the following changes (TBD).*

**NEXT STEPS**

The Lincoln City City Council will hold a public hearing on April 8, 2024 in preparation for final review and adoption.

**ATTACHMENTS**

Draft Ordinance for ZOA 2024-03 Public Facilities (PF) Zone

**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING),  
ADDING A NEW CHAPTER 17.41 PUBLIC FACILITIES (PF) ZONE.**

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

**The City Council finds:**

- A. The amendment to the Lincoln City Municipal Code is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment on February 13, 2024; City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on March 19, 2024, held a public hearing and considered the amendment contained within this ordinance. On March 19, 2024, the Planning Commission voted to transmit the amendment to the City Council with a recommendation that the ordinance be adopted; and
- E. The City Council conducted the public hearing on April 8, 2024 closed the hearing, closed the record, and deliberated on the proposed amendment and directed that the ordinance be returned to Council for approval; and
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendment.

**THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 17.52 (Supplementary Regulations and Exceptions), Section 17.52.160 (Required Setbacks – Exceptions), Subsection 17.52.160.E. (Disabled Access Facilities) is hereby amended to read as follows:

## Chapter 17.41 PUBLIC FACILITIES (PF) ZONE

Sections:

- 17.41.010 Purpose.**
- 17.41.020 Permitted uses.**
- 17.41.030 Conditional uses.**
- 17.41.040 Maximum building height.**
- 17.41.050 Setback requirements.**
- 17.41.060 Landscaping.**
- 17.41.070 Signs.**
- 17.41.080 Off-street parking and loading.**

### **17.41.010 Purpose.**

The PF zone provides areas for public safety facilities, public cultural facilities, park and recreational facilities, schools, and other public facilities to ensure a safe and healthy community and to support and accompany residential, commercial, and industrial growth. Lands containing municipal infrastructure facilities including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers are included in the PF designation.

### **17.41.020 Permitted Uses.**

The following uses are permitted in the Public Facilities (PF) zone:

- A. Public safety facilities such as police, fire, and public or private ambulance facilities;
- B. Medical facilities such as hospitals, clinics, and medical office buildings;
- C. Public community centers, meeting buildings, and auditoriums;
- D. Municipal, state, and federal buildings such as City Hall, Division of Motor Vehicles, and social services offices;
- E. Public library;
- F. Public cultural facilities such as visual art centers, performing arts centers, and museums;
- G. Public parking facilities such as parking lots and parking structures;
- H. Visitor information centers;

- I. Uses permitted in the Park or Open Space zones;
- J. Community gardens;
- K. Public transportation uses, as defined in Chapter 17.08 LCMC;
- L. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010;
- M. Temporary emergency operations uses pursuant to Chapter 2.72 LCMC;
- M. Essential emergency communications, early warning and associated emergency facilities;
- O. Accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.

#### **17.41.030 Conditional Uses.**

The following conditional uses are permitted in the Public Facilities (PF) zone:

- A. Public schools including kindergartens or day care centers
- B. Public sewage treatment plants and pumping stations;
- C. Public water treatment plants, pumping stations, and storage reservoirs
- D. Public utility facilities such as vehicle maintenance facilities and equipment and materials storage facilities;
- E. Municipal, state, and federal facilities such as vehicle maintenance facilities and equipment and materials storage facilities;
- F. Stormwater detention and treatment facilities not accessory to uses allowed in this or other zones
- G. Publicly owned and operated jails, detention centers, and prisons;
- H. Conditional uses allowed in the Park or Open Space zones.

#### **17.41.040 Maximum Building Height.**

The maximum building height shall be 35 feet, except as provided in LCMC 17.52.190 and 17.52.200.

#### **17.41.050 Setback Requirements.**

A. Front Setback. None, except when the property line is abutting or across the street from a property in a residential zone and then the front setback shall be that required in the contiguous residential zone. However, the provisions of LCMC 17.52.060 shall apply.

B. Side, Street Side and Rear Setback. None, except when the side, street side or rear property line is abutting or across the street from a property in a residential zone, and then the side, street side or rear setback shall be a minimum of 10 feet. The required side, street side or rear setback shall be increased by one-half foot for each foot by which the building height exceeds 15 feet. However, the provisions of LCMC 17.52.060 shall apply.

**17.41.060 Landscaping.**

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

**17.41.070 Signs.**

Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.

**17.41.080 Off-street Parking and Loading.**

Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

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

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

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

**SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions 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 8<sup>th</sup> of April, 2024 (First Reading and Second Reading).

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

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_

## EXHIBIT A – FINDINGS FOR ORDINANCE 2024-02 (ZOA 2024-03)

### Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on February 13, 2024. Notice for the public hearings before the Planning Commission on March 19, 2024, and the City Council on April 8, 2024, was published in the local newspaper on March 6, 2024, and March 13, 2024.

### Summary:

**Ordinance 2024-02** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by adding a new Chapter 17.41 Public Facilities (PF) Zone to provide areas for public safety facilities, public cultural facilities, park and recreational facilities, schools, and other public facilities to ensure a safe and healthy community and to support and accompany residential, commercial, and industrial growth. Lands containing municipal infrastructure facilities including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers are included in the PF designation.

### Applicable Criteria:

#### **LCMC 17.77.130 provides, (emphasis added):**

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

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, 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.

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

A. Statewide Planning Goals

**Goal 1: Citizen Involvement**

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

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

**Goal 2: Land Use Planning**

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and

circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

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

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

### **Goal 4: Forest Lands**

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

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

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

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

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is consistent with Goal 5.

### **Goal 6: Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply

to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

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

*To protect people and property from natural hazards.*

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

### **Goal 8: Recreational Needs**

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

### **Goal 9: Economic Development**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal 9.

### **Goal 10: Housing**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support the provision of housing. The amendment is consistent with Goal 10.

### **Goal 11: Public Facilities and Services**

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

The amendment is directed specifically at providing public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

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

**Goal 13: Energy Conservation**

*To conserve energy.*

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

**Goal 14: Urbanization**

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

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

**Goal 15: Willamette River Greenway**

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

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

**Goal 16: Estuarine Resources**

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

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

### **Goal 17: Coastal Shorelands**

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

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

### **Goal 18: Beaches and Dunes**

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

### **Goal 19: Ocean Resources**

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

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

## B. Comprehensive Plan Goals

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

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

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

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

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

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

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

These amendments allow the siting of facilities ranging from infrastructure to cultural institutions support housing and the needs of people who live here in a caring community. This amendment is consistent with Goal 2.

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

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

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

### **Goal 4: Public Facilities and Services.**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city's urban development. Timely, orderly, and*

*efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

This amendment directly supports this goal by allowing the siting of needed public facilities and services where needed. This amendment is consistent with Goal 4...

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

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with this Goal.

**Goal 6: Economic Development.**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal.

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

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

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

**Goal 8: Coastal Resources.**

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

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

**Goal 9: Community Resiliency.**

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

This amendment supports community resiliency by allowing the siting of facilities that directly address resiliency such as shelters and emergency response facilities. This goal is satisfied.

**Goal 10: Land Use Planning.**

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

This amendment helps to ensure that the types and locations of public facilities are controlled in a way that will help to enhance the quality of life in Lincoln City. Moreover, the adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

**FINAL ORDER 2024-01**  
**BEFORE THE PLANNING COMMISSION**  
**CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON**  
**March 19, 2024**

In the Matter of CUP 2023-02, applications )  
for Conditional Use Permits for a sewer line ) **FINDINGS OF FACT**  
extension and for placement of fill in an ) **CONCLUSIONS OF LAW**  
Open Space Zone East of NE Wave Lane and ) **AND ORDER**  
NE 51<sup>st</sup> Loop, and for Modification of an )  
approved master plan )

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**I. NATURE OF PROCEEDINGS**

This matter comes before the Planning Commission for the City of Lincoln City for consideration of a Conditional Use Permit application for (1) to extend a sanitary sewer line in city-owned land zoned Open Space, (2) to place fill on city-owned land zoned Open Space to support a street, and (3) to revise an approved planned development master plan by reducing the number of dwelling units from 32 to 29 and break the project into two phases.

The application materials were received on December 4, 2023, and deemed complete on December 22, 2023.

On January 2, 2024 staff mailed notification of the March 5, 2024, public hearing before the Planning Commission, pursuant to Chapter 17.76, Lincoln City Municipal Code, to area property owners within 500 feet of the site. *The News Guard* published the public hearing notice on Tuesday, January 23, 2024.

On March 5, 2024, the Planning Commission conducted a public hearing and considered the oral and written testimony presented, the staff report, and the record as a whole. The hearing was closed, and the record was closed. Based on the evidence presented at the public hearing on March 5, 2024, including the staff report and all properly submitted evidence and argument, the Planning Commission voted to APPROVE the request, with conditions.

Based upon the evidence in the record, the Commission makes the following findings of fact and conclusions of law:

**COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
FO 2024-01 for CUP 2023-02

## II. FINDINGS OF FACT

- 1) The Nature of Proceedings (Section I) set forth above is true and correct and is specifically incorporated herein by this reference.
  
- 2) The subject of the above-referenced conditional use permit application is real property located within the City of Lincoln City ("City"), and described in the County Tax Assessor's maps as Tax Maps 06-11-35-CD-00100 (City property) and 06-11-35-CD-00102 (applicant's property) Both of these Properties are unaddressed in Lincoln City, Oregon. The City property is 14.79 acres and the applicant's property is approximately 7.57 acres.
  
- 3) The Comprehensive Plan designation for the City property is Open Space (OS) Zone, and Residential Urban Low Density (RULD) for the applicant's property. The zoning classification of the City property is Open Space (OS) Zone and Single-unit Residential (R1-7.5) for the applicant's property.
  
- 4) The surrounding Land Uses and Zoning are as follows:
  - North: Single-unit dwellings; R1-7.5
  - South: Single-unit dwellings; R1-7.5
  - East: Undeveloped land; OS
  - West: Single-unit dwellings; R1-7.5
  
- 5) The applicant is:
  - Alpha Building Ventures
  - 15350 Hidden Hills Court
  - McMinnville, OR 97128
  
- 6) The Property is owned by:
  - Alpha Building Ventures
  - 15350 Hidden Hills Court
  - McMinnville, OR 97128
  
  - And
  
  - City of Lincoln City
  - 801 SW Hwy 101
  - Lincoln City, OR 97367

- 7) The relevant substantive criteria include the following:
- LCMC Chapter 17.43 Open Space (OS) Zone
  - LCMC Chapter 17.16 Single-unit Residential (R1-7.5) Zone
  - LCMC Section 17.76.050 Type III Procedure
  - LCMC Chapter 17.77.060 Conditional Use Permit
  - LCMC Section 17.77.110 Modification of approved applications, plans, or conditions
- 8) The background in the staff report is incorporated herein and is accepted as true and correct.

### **III. FINDINGS APPLYING APPLICABLE CODE CRITERIA REGARDING SEWER EXTENSION**

- 1) The Planning Commission finds and determines that the relevant approval criteria are found or referenced in the Lincoln City Municipal Code, principally Title 17, Chapter 17.43 Open Space (OS) Zone, and Section 17.77.060 (Conditional Uses).
- 2) Chapter 17.43 Open Space (OS) Zone lists public utilities and drainage facilities as a conditional use.
- 3) Chapter 17.77 (Applications), Section 17.77.060 provides in relevant part:

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. . . .

4) The Commission finds that it has received all information necessary to make a decision based on the entire record, including the staff reports, exhibits, application materials, public hearing testimony, and other materials received. Except where conflicting findings are made herein, the Commission adopts and specifically incorporates the findings as articulated by the Planning Department staff report, as the basis for the decision on the requested conditional use permit.

5) The Planning Commission finds and determines, and adopts as its own, the following findings concerning the applicable criteria in Section 17.77.060:

**1. The proposal is in compliance with the comprehensive plan;**

The written staff report notes that the zoning code enacts the comprehensive plan and with compliance with the zoning code there is compliance with the comprehensive plan. As shown in the findings above, the request is in compliance with all of the required criteria from Chapter 17.43.

The Planning Commission finds that this criterion is met based upon the written and verbal staff reports.

**2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, wall and fences, parking, loading, landscaping and other features required by this title;**

The written staff report provides:

*The submitted site plan shows the location of the proposed sanitary sewer line. The amount of land to be used for the sewer line is minor and there are no required setbacks, common spaces, retaining walls, parking and loading areas, or other such other features. If approved, the affected portions of the property will be required to be restored and revegetated. There are no issues of adequate room relating to the proposed sewer line extension.*

The Planning Commission finds that this criterion is met based upon the staff report and testimony from the applicants given during the public hearing.

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;**

The staff report provides:

*The project consists simply of a sewer line extension and connection. The project by itself will not generate any traffic. There will be no streets or highways affected by the project. The housing development it relates to earlier was determined to have an adequate road system.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

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;**

The staff report provides:

*The sewer extension's only adverse impact on surrounding properties will come from the visual impact of the disrupted natural vegetation on the site of the excavation for the sewer line. If the site is properly re-vegetated upon completion of the sewer line the impacts will be minor and short-lived. Conditions of approval addressing re-vegetation of the site will result in criterion 4 being met.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

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.**

*The site does not have any historic or cultural attributes, but, as open space, does have scenic attributes. But since the applicant is not proposing to construct any structures as a part of this project, this requirement is not applicable. Criterion 5 is not applicable.*

**IV. FINDINGS APPLYING APPLICABLE CODE CRITERIA  
REGARDING PLACING FILL ON OPEN SPACE LAND**

- 1) At the public hearing the applicant stated that in developing the project the applicant would not place fill on the city's Open Space land.
- 2) Upon the Planning and Community Development Director's question asking if he were withdrawing the part of his application dealing with the placement of fill on the city's Open Space land, the applicant stated that he was withdrawing that portion of the application.
- 3) The Planning Commission finds and determines that with the applicant having withdrawn the portion of his application dealing with the placement of fill on the city's Open Space land there is no need to address approval criteria dealing with that portion of the application.

**V. FINDINGS APPLYING APPLICABLE CODE CRITERIA  
REGARDING MODIFICATION OF APPROVED MASTER PLAN**

- 1) The Planning Commission finds and determines that the relevant approval criteria are found or referenced in the Lincoln City Municipal Code, principally Title 17, Section 17.77.110 Modification of approved applications, plans, or conditions.
- 2) LCMC 17.77.110.B specifically authorizes modification of planned developments through this modification process. The scope of review of a modification application is limited by LCMC 17.77.110.E to just the matters raised in the modification request. The approval criteria for a modification request are set out in LCMC 17.77.110.F.
- 3) Chapter 17.77 (Applications), Section 17.77.110 provides in relevant part:

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 subsections (F)(1) and (F)(2) of this section 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.

4) The Commission finds that it has received all information necessary to make a decision based on the entire record, including the staff reports, exhibits, application materials, public hearing testimony, and other materials received. Except where conflicting findings are made herein, the Commission adopts and specifically incorporates the findings as articulated by the Planning Department staff report, as the basis for the decision on the requested conditional use permit.

5) The Planning Commission finds and determines, and adopts as its own, the following findings concerning the applicable criteria in Section 17.77.110:

**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**

The staff report provides:

*The proposed modifications (i.e. reducing the number of lots and developing in two phases) do not change the compatibility with or impacts on surrounding properties from Lincoln Palisades Phase VI in any substantially negative way. This criterion is met.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

**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.**

The staff report provides:

*The requested modifications do not result in any substantially negative effects. Consequently no new elements are needed to compensate for negative effects. This criterion is met.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

**3. The criteria in subsections (F)(1) and (F)(2) of this section shall be applied only to the area and/or lots within the development that are affected by the proposed modification.**

The staff report provides:

*The criteria named are applied to the entirety of Lincoln Palisades Phase VI since the requested modifications apply to the full Phase VI. This criterion is met.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

**4. The proposed modification shall demonstrate compliance with the approval criteria of the original application.**

The staff report provides:

*The proposed modifications do not change Lincoln Palisades Phase VI in any substantive manner. The proposed modification to reduce the number of lots from 32 to 29 does not change area to be included in Lincoln Palisades Phase VI. All it does is make some minor adjustments to the proposed lot lines. Otherwise everything else remains essentially the same. Similarly, the proposed modification to break Lincoln Palisades Phase VI into two smaller phases does not affect the findings made earlier. The findings made for the approval of the preliminary master plan for Lincoln Palisades Phase VI regarding compliance with the approval criteria of the original application remain true for the proposal as proposed to be modified. Those findings, are set out in the Staff Report Revised Dec 27, 2021 PUD 2021-02 SUB 2021-01, which as attached as Exhibit A and incorporated herein. This criterion is met.*

The Planning Commission finds that this criterion is met based upon the staff report and evidence submitted by the applicant.

## **VI. ORDER**

The Planning Commission for the City of Lincoln City finds and determines:

- 1) That the application for a Conditional Use Permit regarding the extension of the sanitary sewer line in the city's Open Space lands meets, or can meet with conditions, the approval criteria in LCMC 17.77.060.D. Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the Planning Commission hereby APPROVES WITH THE CONDITIONS BELOW the requested Conditional Use Permit contained in CUP 2024-02.

- 2) That the application for a conditional use permit regarding the placing of fill in the city's Open Space lands was withdrawn and accordingly there is no need to address that portion of the original application.
- 3) That the application for modification of the approved master plan for Lincoln Palisades Phase VI meets the approval criteria in LCMC 17.77.110.F. Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the Planning Commission hereby APPROVES the requested modifications.

## **VII. CONDITIONS OF APPROVAL REGARDING SEWER EXTENSION**

### **General**

1. Approval of the conditional use permit applied for in this application does not amount to permission to enter the property of the City of Lincoln City or to perform any of the work described in the application on the city's land. Before entering onto the city's land or conducting any activity that affects the city's land the applicant/property owner must obtain permission from the city to enter onto and use the city's land and must pay any rent or other fees relating to the applicant/property owner's use of the city's land.
2. The applicant/property owner/developer shall be responsible for full compliance with all applicable city, state, and federal codes, rules, regulations, and standards.
3. The applicant/property owner/developer shall route construction vehicles to NE Devils Lake Boulevard rather than through NE Port Lane and the established neighborhood to the west.

### **Planning and Public Works**

1. All conditions of approval contained in Lincoln City Planning Commission Final Order No. 2022-01 remain in full force and effect.
2. In installing the sanitary sewer line described in the application, the applicant/property owner must limit disturbance of the ground to the minimum practicable. In determining what the minimum practicable disturbance is the applicant/property owner shall consult with and defer to the decision of the Lincoln City Public Works Department, whose decision itself shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.
3. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a grading plan and submit it to the Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.
4. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a slope stabilization plan and submit it to the

Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.

- 5. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a restoration and revegetation plan and submit it to the Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department. The restoration and revegetation plan must address, among other things, placement and stabilization of appropriate amounts and types of topsoil, and planting, establishment (and, as needed, replacement), maintenance of appropriate kinds and numbers of native plants, and prevention of the establishment of invasive such as Scotch broom.

**Fire**

- 1. The project shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the structural permitting process, and structural permits shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.

**Lincoln City Planning Commission**

\_\_\_\_\_  
Kim Blackerby, Chair

ATTEST:

\_\_\_\_\_  
Richard Townsend  
Planning Director

Signature authorized and approved by the full Commission this 19th day of March, 2024.

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Amendment to Title 17, Zoning, adding ) Final Recommendation  
a new chapter 17.41 Public Facilities ) 2024-02  
(PF) Zone

**NATURE OF THE APPLICATION**

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), adding a new chapter 17.41 Public Facilities (PF) Zone.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on March 19, 2024, including the staff report, the Planning Commission recommends on a \_\_\_\_\_ vote that the City Council approve the draft language (Exhibit A Findings follow).

APPROVED THIS 19<sup>th</sup> day of March, 2024

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

ATTEST:

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

## **EXHIBIT A – FINDINGS FOR ORDINANCE 2024-02 (ZOA 2024-03)**

### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on February 13, 2024. Notice for the public hearings before the Planning Commission on March 19, 2024, and the City Council on April 8, 2024, was published in the local newspaper on March 6, 2024, and March 13, 2024.

### **Summary:**

**Ordinance 2024-02** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by adding a new Chapter 17.41 Public Facilities (PF) Zone to provide areas for public safety facilities, public cultural facilities, park and recreational facilities, schools, and other public facilities to ensure a safe and healthy community and to support and accompany residential, commercial, and industrial growth. Lands containing municipal infrastructure facilities including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers are included in the PF designation.

### **Applicable Criteria:**

#### **LCMC 17.77.130 provides, (emphasis added):**

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

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, 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.

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

A. Statewide Planning Goals

**Goal 1: Citizen Involvement**

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

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

**Goal 2: Land Use Planning**

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and

circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

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

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

### **Goal 4: Forest Lands**

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

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

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

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

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is consistent with Goal 5.

### **Goal 6: Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply

to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

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

*To protect people and property from natural hazards.*

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

### **Goal 8: Recreational Needs**

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

### **Goal 9: Economic Development**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal 9.

### **Goal 10: Housing**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support the provision of housing. The amendment is consistent with Goal 10.

### **Goal 11: Public Facilities and Services**

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

The amendment is directed specifically at providing public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

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

**Goal 13: Energy Conservation**

*To conserve energy.*

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

**Goal 14: Urbanization**

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

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

**Goal 15: Willamette River Greenway**

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

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

**Goal 16: Estuarine Resources**

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

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

### **Goal 17: Coastal Shorelands**

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

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

### **Goal 18: Beaches and Dunes**

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

### **Goal 19: Ocean Resources**

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

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

## B. Comprehensive Plan Goals

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

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

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

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

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

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

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

These amendments allow the siting of facilities ranging from infrastructure to cultural institutions support housing and the needs of people who live here in a caring community. This amendment is consistent with Goal 2.

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

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

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

### **Goal 4: Public Facilities and Services.**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city's urban development. Timely, orderly, and*

*efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

This amendment directly supports this goal by allowing the siting of needed public facilities and services where needed. This amendment is consistent with Goal 4...

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

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with this Goal.

**Goal 6: Economic Development.**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal.

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

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

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

**Goal 8: Coastal Resources.**

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

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

**Goal 9: Community Resiliency.**

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

This amendment supports community resiliency by allowing the siting of facilities that directly address resiliency such as shelters and emergency response facilities. This goal is satisfied.

**Goal 10: Land Use Planning.**

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

This amendment helps to ensure that the types and locations of public facilities are controlled in a way that will help to enhance the quality of life in Lincoln City. Moreover, the adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Amendment to Title 17, Zoning, adding ) Final Recommendation  
a new chapter 17.41 Public Facilities ) 2024-02  
(PF) Zone

**NATURE OF THE APPLICATION**

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), adding a new chapter 17.41 Public Facilities (PF) Zone.

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on March 19, 2024, including the staff report, the Planning Commission recommends on a \_\_\_\_\_ vote that the City Council approve the draft language (Exhibit A Findings follow).

APPROVED THIS 19<sup>th</sup> day of March, 2024

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

ATTEST:

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

## **EXHIBIT A – FINDINGS FOR ORDINANCE 2024-02 (ZOA 2024-03)**

### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on February 13, 2024. Notice for the public hearings before the Planning Commission on March 19, 2024, and the City Council on April 8, 2024, was published in the local newspaper on March 6, 2024, and March 13, 2024.

### **Summary:**

**Ordinance 2024-02** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by adding a new Chapter 17.41 Public Facilities (PF) Zone to provide areas for public safety facilities, public cultural facilities, park and recreational facilities, schools, and other public facilities to ensure a safe and healthy community and to support and accompany residential, commercial, and industrial growth. Lands containing municipal infrastructure facilities including pump stations, wastewater and water treatment plants, stormwater facilities, water tanks and reservoirs, and radio towers are included in the PF designation.

### **Applicable Criteria:**

#### **LCMC 17.77.130 provides, (emphasis added):**

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

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, 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.

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

A. Statewide Planning Goals

**Goal 1: Citizen Involvement**

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

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

**Goal 2: Land Use Planning**

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and

circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

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

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

### **Goal 4: Forest Lands**

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

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

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

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

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. Areas zoned Park or Open Space would keep those designations and would not be developed beyond the limited uses already allowed in them. The amendment is consistent with Goal 5.

### **Goal 6: Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply

to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

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

*To protect people and property from natural hazards.*

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

### **Goal 8: Recreational Needs**

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

### **Goal 9: Economic Development**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal 9.

### **Goal 10: Housing**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support the provision of housing. The amendment is consistent with Goal 10.

### **Goal 11: Public Facilities and Services**

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

The amendment is directed specifically at providing public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

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

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

**Goal 13: Energy Conservation**

*To conserve energy.*

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

**Goal 14: Urbanization**

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

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

**Goal 15: Willamette River Greenway**

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

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

**Goal 16: Estuarine Resources**

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

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

**Goal 17: Coastal Shorelands**

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

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

**Goal 18: Beaches and Dunes**

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

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

**Goal 19: Ocean Resources**

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

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

## B. Comprehensive Plan Goals

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

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

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

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

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

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

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

These amendments allow the siting of facilities ranging from infrastructure to cultural institutions support housing and the needs of people who live here in a caring community. This amendment is consistent with Goal 2.

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

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

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

### **Goal 4: Public Facilities and Services.**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city's urban development. Timely, orderly, and*

*efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.*

This amendment directly supports this goal by allowing the siting of needed public facilities and services where needed. This amendment is consistent with Goal 4...

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

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

The proposed ordinance amendment allows the siting of recreational areas beyond those in addition to those already allowed in the Park and Open Space zones. It does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with this Goal.

**Goal 6: Economic Development.**

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

The proposed ordinance amendment allows the siting of public facilities, such as infrastructure facilities including water treatment facilities, waste water treatment facilities, and stormwater facilities, that support economic development. The amendment is consistent with Goal.

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

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

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

**Goal 8: Coastal Resources.**

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

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

**Goal 9: Community Resiliency.**

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

This amendment supports community resiliency by allowing the siting of facilities that directly address resiliency such as shelters and emergency response facilities. This goal is satisfied.

**Goal 10: Land Use Planning.**

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

This amendment helps to ensure that the types and locations of public facilities are controlled in a way that will help to enhance the quality of life in Lincoln City. Moreover, the adoption of this amendment through the city's land use planning process and policy framework, including addressing the state's and city's land use planning policies, demonstrates that it is consistent with this goal.