



AGENDA

Lincoln City Planning Commission
Tuesday, October 17, 2023, 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. CONSENT AGENDA

2.1. Planning Commission - Regular Meeting - Sep 19, 2023 6:00 PM

2.2. Planning Commission - Workshop - Sep 28, 2023 12:30 PM

2.3. FR 2023-09 for ZOA 2023-04

2.4. FR 2023-10 for ZOA 2023-05 (TSP driving)

2.5. FR 2023-11 for ZOA 2023-06 (VRD to STR)

3. PUBLIC HEARINGS/DELIBERATIONS

3.1. ZOA 2023-07 RR Height

3.2. ZOA 2023-08 Housing 2023 Legislation

4. DIRECTOR'S REPORT

5. COMMENTS BY PLANNING COMMISSIONERS/CCI

6. ADJOURN

Individuals wishing to attend via Zoom must email planning@lincolncity.org no later than noon on the meeting day. The email must include the person's name and the screen name the person intends to use for the meeting. Instructions will be emailed to the person requesting Zoom attendance. Persons attending via Zoom will need to leave the microphone muted and camera off.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City

continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agendas and Agenda packet items for this meeting are available at www.lincolncity.org under "Government" then select "Public Meeting Agendas, Packets & Videos". This meeting is being streamed live at <https://www.lincolncity.org/government/media-streaming> and will be available there for viewing after this meeting concludes. This meeting will be televised live on Channel 4.

Individuals wishing to provide verbal testimony for a public hearing agenda item need to please sign the sign-in sheet for that item. Sign-in sheets are located on the table near the entrance door to the Council Chambers. Individuals who signed in on the sheet will be called to testify during the public testimony portion of the public hearing. When making your oral testimony, please speak clearly and directly into the microphone.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
September 19, 2023**

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

Attendee Name	Title	Status	Arrived
Brian Bunnett	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Jason Corso	Commissioner	Present	

Chair Vincent and the Planning Commissioners welcomed the newest member, Jason Corso. Director Anne Marie Skinner announced the resignation of Clay Glasgow.

2. CONSENT AGENDA

2.1. Planning Commission – Regular Meeting – Sep 5, 2023 6:00 PM

MOTION:	Consent Agenda
MOVER:	Blackerby
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
ABSTAIN:	Corso
RESULT:	Passed

3. PUBLIC HEARINGS/DELIBERATIONS

3.1. ZOA 2023-05 Transportation System Plan Driving Projects

Chair Vincent opened the Public Hearing for ZOA 2023-05 at 6:05 PM.

Director Skinner presented the staff report, providing information regarding the project location, stating that the Public Works Department had determined that the projects were no longer needed or were no longer feasible. Comments were received from Alison Robertson, the Economic Development/Urban Renewal Agency Director in support of the removal of the Transportation System Plan Driving Project D23.

Commissioner Bunnett asked for additional information about the recently discovered archaeological materials mentioned in the staff report relating to Project D23.

Director Robertson stated that during a site environmental review conducted within the last three years, archaeological materials had been discovered. However staff was unable to provide any additional information in order to protect the resources and out of respect for the tribe. She added that the presence of these materials does not necessarily prohibit development but will likely require project modifications. If the road project is required it could limit the pedestrian access planned as part of the future private development.

Commissioner Baker asked if the development is still feasible given the archaeological findings, and if it was staff's opinion that the private development would have more value to the community than the road project. Director Robertson stated that the footprint of the development could be more flexible, especially if a road doesn't limit the options. The proposed development options depend heavily on the outcome of the request to remove D23 from the 2015 Lincoln City Transportation System Plan (TSP).

Commissioner Blackerby requested the map be enlarged to show the TSP projects slated for removal in Cutler City. He asked whether or not the driving project on SW Keel Ave might still be needed to improve access in and out of the Cutler City neighborhood. Director Skinner informed the Planning Commission that they could remove any of the other projects from the amendment, and choose only to act on D23 at this time. In response to a question from Commissioner Blackerby, Director Skinner stated that the Planning Commission could request additional information from the Public Works Director about the other four projects to be provided at a subsequent meeting.

Commissioner Baker suggested that it was unknown whether the projects being considered for removal because it was no longer feasible, or because it wasn't needed. Director Skinner concurred. Director Robertson shared that after the adoption of the transportation system plan that there had been a number of infrastructure projects before and since the Pelican Brewery development that improved access in that area, including the overflow parking for the Pelican and a gravel right-of-way and sewer easement.

No members of the public provided testimony.

Commissioner Baker moved to close the public hearing and the record, seconded by Chair Vincent, and approved by the Planning Commission.

Commissioner Blackerby stated that Director Robertson had answered all of his questions satisfactorily and that he didn't have any remaining issues. Commissioner Baker concurred.

MOTION:	Recommend approval of ZOA 2023-05 Removal of 5 driving projects from 2015 Lincoln City Transportation System Plan
MOVER:	Blackerby
SECONDER:	Bunnett
AYES:	Bunnett, Baker, Vincent, Blackerby, Corso
ABSENT:	Sumner
RESULT:	Passed

3.2. ZOA 2023-06 Vacation Rental Dwelling to Short-Term Rental

Chair Vincent opened the public hearing for ZOA 2023-06 at 6:29 PM and presented the required statements and procedures.

Director Skinner presented the staff report. She stated that the purpose of ZOA 2023-06 was in response to a motion made by the City Council at their April 24, 2023 meeting. The motion directed staff to amend the code based on discussions held at a Council Work Session held on April 12, 2023. She provided an overview of the two different types of vacation rental licenses currently allowed, including: unlimited use (365 nights/year) and accessory (30 nights/year maximum). She also described the caps on licenses in the R1-5 and R1RE zones.

Director Skinner described each of the proposed changes, including revising the term from Vacation Rental Dwelling (VRD) to Short-Term Rental (STR); moving the application process language to the appropriate applications chapter; eliminating Accessory STRs as a permitted use in all residential zones, reflecting the cap on total STRs as an absolute number and not as a percentage of existing dwellings; referencing the off-street parking code specifically; and providing additional details on requirements for solid waste receptacles. No comments were received from department heads or outside agencies.

Director Skinner summarized written comments from the following individuals: Jessica Chapagain, in support of removing accessory short-term rentals; Elizabeth Crane, Roads End property owner requesting a moratorium until further review can be completed regarding the accessory permit program; Annette Guido, in support of approval of ZOA 2023-06 especially eliminating accessory STR uses as reflected in a recent Roads End Improvement Association (REIA) communication; Janet Knipe, President of REIA, in support of approval of ZOA 2023-06, citing outreach to the Roads End (REIA) membership including an online survey and a poll taken at a recent meeting; Patti Kroen, in support of elimination of accessory STRs; Shannon Loch, in support of approval of ZOA 2023-06; Mel and Arianne Lowery, opposing ZOA 2023-06 and the elimination of accessory STRs; Ken Mergentime, Roads End neighbor, in support of ZOA 2023-06 and elimination of accessory STRs; Eileen Mergentime, full-time resident of Roads End in support of ZOA 2023-06 and elimination of accessory STRs; Russ Smith, in support of the elimination of accessory STRs; and Bruce and Linda Thorson, Roads End property owners in support of the approval of ZOA 2023-06.

Commissioner Bunnett asked if it was known how many people participated in the survey by REIA, or attended the meeting. Director Skinner did not have this information, but stated that she understood that there are approximately 838 property owners in the R1RE zone, and that there are approximately 225 REIA members. Responding to a question from Commissioner Bunnett Director Skinner stated that there were several people on the list of individuals wanting to testify who should be able to provide the information during the public hearing.

Commissioner Blackerby asked about the developments at Belhaven and Olivia Beach. Director Skinner responded by saying that Olivia Beach is the one and only area in the Vacation Rental zone, and that this zone is considered a commercial zone, not residential. Belhaven is zoned single-unit residential and is in the Roads End (R1RE) zone. Commissioner Blackerby asked if the new homes built in Belhaven that immediately become STRs, could be assumed to have accessory licenses. Director Skinner noted that there has been an increase in applications for accessory STRs and likely that is what occurred in Belhaven.

Commissioner Blackerby noted that his home is in a subdivision covered by CCRs (covenants, conditions and restrictions) that prohibit short-term rentals, and wondered if the zoning code spoke to the validity of these covenants. Director Skinner stated that city code is completely separate from homeowners' association rules and the enforcement of private CCRs. Commissioner Blackerby commented regarding signage for STRs and property management companies, noting it was impossible to tell if the property had an unlimited or accessory license.

In reference to the code revisions relating to the cap on licenses, Commissioner Blackerby asked if the 10% was on dwellings in Roads End or if it included vacant lots. Director Skinner stated that the cap is based on existing dwellings and that is the reason why ZOA 2023-06 seeks to change the code to refer to the amount of dwellings in the cap and not the percentage.

Commissioner Blackerby asked if letting friends or family stay in a private home for a few weeks or a month would constitute an accessory use. Director Skinner stated that as long as friends/family aren't charged a lodging fee for the stay it is not a short-term rental.

Commissioner Baker asked for clarification about how the director's interpretation in regards to parking and maximum occupancy was handled and monitored. Director Skinner responded that there is a site inspection that takes place before a license can be approved that ensures that the occupancy is appropriate to the number of available off-street parking spaces. She noted that Assistant Planner Austin Hull is very diligent in conducting these inspections, reviewing all applications for short-term rentals, and tracking online STR advertisements.

Commissioner Baker asked if the City had reconsidered allowing dumpsters at short-term rentals to address the overflow of garbage. Director Skinner stated that the Planning Commission was welcome to make such a recommendation, although screening would need to be required.

After noting a few minor edits, Commissioner Baker asked whether or not the Planning Commission had the capacity to declare a moratorium on issuance of accessory STRs licenses while waiting for final action by the City Council and the required 30-day period before the ordinance amendment becomes effective. Director Skinner stated that she did not believe this was within the purview of the Planning Commission.

In response to a question from Commissioner Bunnett, Director Skinner stated that there are a total of 603 short-term licenses and approximately 18 of those are accessory licenses. She added that she would verify those numbers during the public testimony portion of the hearing and report back to the Planning Commission.

Commissioner Corso noted a typographical error on packet page 12.

Commissioner Blackerby requested clarification regarding the Planning Commission's authority in relation to a moratorium on short-term rental applications. Director Skinner stated that it was her understanding that such a moratorium would need to come from the City Council and it would not be effective until one of their regular meetings.

Chair Vincent initiated the public comment period.

Miranda Garrison, a Lincoln City property owner, has an accessory short-term rental license and stated how important it has been to her. It facilitated her purchasing and maintaining her home. She has been on the waiting list for a full-time license for almost two years.

Director Skinner noted that existing accessory short-term rental licenses would continue to be honored as legally nonconforming uses.

In response to a question from Commissioner Bunnett, Director Skinner stated that the current number of accessory licenses are anticipated to be reduced over time through property sales and general attrition.

Julia Marks shared that she also had an accessory short-term rental license, and was glad to hear that the City would continue to honor it.

Robert Thomas wished to speak on another topic. Chair Vincent and Director Skinner suggested that he leave contact information and staff would be in touch to discuss his issues at a later time.

Ken Mergentime spoke on behalf of the Roads End Improvement Association. He read a written statement prepared by Annette Guido in support of the approval of ZOA 2023-06 and the elimination of accessory short-term rental uses. Ms. Guido's letter also referenced the comments of Janet Knipe, President of the REIA, including the results of the survey and the poll. Mr. Mergentime responded to Commissioner Bunnett's earlier question about the number of participants in the survey. REIA currently has 178 members and 57 responded to the survey. Approximately 25 attended the meeting and responded to the poll.

Elaine Walsh, a Roads End property owner, spoke to support approval of ZOA 2023-06 and the elimination of short-term rentals as a permitted use in residential zones.

David Jamieson, full time resident of Roads End, spoke to the impact of the commercialization of vacation rentals since the advent of social media and online booking companies. He supported ZOA 2023-06 and the elimination of accessory short-term rentals.

Chair Vincent thanked everyone who provided testimony.

Director Skinner reported that she had done additional research and that there are 194 unlimited short-term rental licenses in the R1-5 zone, and 20 accessory licenses. In the R1RE zone, there are 174 unlimited licenses and 11 accessory licenses, for a total of 31 accessory licenses citywide. In addition, there are 209 licenses in commercial zones for a total of 609 short-term rentals citywide.

In response to a question from Commissioner Bunnett, Director Skinner reported that since March 2023 the total number of accessory licenses in the R1-5 zone increased from 18 to a high of 22 in July and decreased to 20 in September due to two accessory license holders receiving unlimited licenses. In the R1RE zone the total number of accessory licenses was 7 in March and increased to a high of 11 in August and September.

Commissioner Blackerby moved to close the public hearing, seconded by Commissioner Bunnett and approved by the Commission.

Commissioner Blackerby stated that he wished to address Commissioner Baker's comments regarding allowing dumpsters. He stated that he did not feel that dumpsters are appropriate in residential neighborhoods even if screened. Commissioner Baker remained concerned about the limitations of smaller garbage receptacles and the impact of overflow on neighborhoods. She stated that she didn't have a strong opinion either way, but that she was curious if the issue had been discussed.

Commissioner Blackerby stated that though there are currently only 31 accessory short-term rental licenses at this time, homeowners in Roads End have been deluged with offers from property management companies with the intention of creating more accessory short-term rentals. He felt that it is seen as a way to get around the current cap on unlimited short-term rental licenses, and that these businesses were obviously not paying attention to city codes or homeowners' association covenants.

Commissioner Baker stated that she was in favor of the amendment as presented by staff and limiting commercial activity in residential neighborhoods. She noted that Lincoln City has a zone that allows short-term rentals and a process for requesting a zone change. She added that she would support as strong a recommendation as possible coming from the Planning Commission.

Commissioner Blackerby moved to recommend approval of ZOA 2023-06 with the addition of a moratorium on new applications until the amendment was approved and took effect. Commissioner Vincent seconded the motion. Commissioner Bunnett, however, requested clarification.

Assistant Planner Andrea Riner stated that she understood that the motion on the table was to approve the amendment as presented by staff, with the addition of a request for a moratorium. Director Skinner responded that the moratorium could not be made effective immediately, and therefore would be a moot point as the City Council was likely acting on the amendment at the meeting scheduled for the public hearing. In response to a question from Commissioner Blackerby Ms. Riner clarified that without approval of the City Council, staff did not have the authority to refuse new applications or to place them on hold pending Council action. Commissioner Blackerby was concerned that there could be a significant increase in accessory applications in the meantime. Commissioner Bunnett requested that staff track the permit activity and report back to the Planning Commission at a later date.

Chair Vincent thanked members of the public for coming and providing comments.

MOTION:	Recommend approval of ZOA 2023-06 Vacation Rental Dwelling to Short-Term Rental
MOVER:	Blackerby
SECONDER:	Vincent
AYES:	Bunnett, Baker, Vincent, Blackerby, Corso
ABSENT:	Sumner
RESULT:	Passed

4. DIRECTOR'S REPORT

Director Skinner provided an update on upcoming meetings and work sessions. The next regular Planning Commission meeting is scheduled for October 3rd. Commissioner Blackerby, Commissioner Bunnett, and Commissioner Corso stated that they will not be available. Director Skinner responded by saying that the meeting would be canceled due to lack of a quorum. The only agenda item planned for that date related to adding the maximum building height for the Recreation Residential (RR) zone, which will be moved to the October 17th meeting. All Planning Commissioners stated that they were available on that date. Other items on that agenda will be updates to incorporate recent legislative changes to housing. Currently there are no pending applications.

Director Skinner reported that Chair Vincent was not available for the September 21st Work Session. Since Commissioner Bunnett is also unavailable, the work session was canceled and rescheduled to the following Thursday, September 28th, at 12:30 PM. Director Skinner stated that this meeting would cover all of the remaining components of the Comprehensive Plan. She provided an overview of the process relating to the Land Use chapter, suggesting it would be a minor update and will hopefully be ready for a final draft in short order. She stated that Ms. Riner is working on the formatting, so that it could be ready in time for a possible public hearing in early November.

Commissioner Baker suggested that the Planning Commission Work Session to review the full document would be more productive if held after the public hearing. Commissioner Vincent shared that he had concurrence from the rest of the commissioners that they could meet during the week of Thanksgiving.

Director Skinner stated that she would work towards a possible public hearing date of November 7, 2023, with the Planning Commission and that there was an upcoming work session with City Council on October 2nd to review the remaining plan components.

Commissioner Bunnett commended staff on doing an excellent job of publicizing the public hearing for ZOA 2023-06, and for ensuring good participation of citizens.

Commissioner Blackerby asked about the public hearing for the Comprehensive Plan and if there would be a need to respond to each of the items provided by public input or deliberate on any items at that meeting. Staff and Commissioners discussed that the public hearing will be a great opportunity to get additional feedback, and that the primary job of the Planning Commission would be to simply listen. Based on the input they could then consider how to proceed. While comments are not likely to be substantive, that would be up to the Commission to consider and to decide whether or not to make any changes to the document.

Director Skinner stated that the comprehensive plan update is a legislative action and not quasi-judicial and that there is not a requirement to leave the record open. She added that she would review the process with our regional representative from the Oregon Department of Land Conservation and Development for further clarification about requirements, and the options available to the Planning Commission.

5. COMMENTS BY PLANNING COMMISSIONERS/CCI

None.

6. ADJOURN

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

**LINCOLN CITY PLANNING COMMISSION
MINUTES
September 28, 2023**

I. CALL TO ORDER, ROLL CALL

Attendee Name	Title	Status	Arrived
Brian Bunnett	Commissioner	Present	
Melissa Sumner	Commissioner	Excused	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	

II. DISCUSSION ITEMS

2.1. Coastal Resources

Chair Robert Vincent opened the discussion relating to the Coastal Resources component of the Comprehensive Plan Update.

Director Skinner stated that she had received comments from representatives of the Department of Land Conservation and Development, the Cascade Head Biosphere, and the Oregon Shores Conservation Coalition. The current draft reflects those comments.

Commissioner Blackerby suggested editing the goal to eliminate run-on sentences. Commissioner Baker concurred, and suggested including a reference to rivers and forests. Ms. Riner requested that the goal use only two of the three terms of preserve, conserve, and protect. The Commissioners agreed to remove "conserve". The resulting language was: Preserve, protect, and where appropriate restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, ocean, river, and forest resources. Their value is recognized for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.

Commissioner Baker commented that the fourth paragraph of the introduction regarding the extent of the Cascade Head Marine Reserve was confusing. Following a discussion, staff suggested that they would get further clarification and edit the sentence accordingly. Responding to a question from Commissioner Blackerby, Director Skinner confirmed that the name of the area was still the Marine Reserve, and not the Marine Region.

Commissioner Bunnett requested that all of the policies/objectives start with a verb. Ms. Riner agreed and stated that she would do a thorough review of the entire document to ensure this is addressed consistently. Commissioner Bunnett also supported adding language to further promote public awareness for coastal resource protection, such as through signage. Chair Vincent suggested that it might be more appropriate as part of the section on Parks and Open Space, while Commissioner Blackerby was not opposed to it being incorporated in both. Ms. Riner supported the intent of the objective with the removal of any specific programmatic recommendations, such as signs. Director Skinner agreed, supporting a general policy to increase public awareness and consciousness of our unique and fragile coastal environments. Commissioner Baker also

supported having public awareness objectives in both the Parks and the Coastal Resources chapters.

Commissioner Corso asked about the proper capitalization of plant and wildlife names. Ms. Riner said she would add this to her editorial review.

2.2. Community Resiliency

Commissioner Blackerby suggested a minor edit to the third sentence in the second paragraph relating to the Lincoln City components of the Natural Hazards Mitigation Plan, and to the second sentence of the goal.

Commissioner Baker supported adding an objective around exploring improved local communication and emergency notifications during power, cell phone, or other outages under community preparedness.

Commissioner Bunnett suggested a revision to the first paragraph of the introduction to add the term "shared" to wisdom, which was supported by the other commissioners.

Commissioner Baker stated that Statewide Goal #1 for Citizen Involvement was another goal addressed in this chapter. Ms. Riner agreed and stated that she would add a checkmark to that item in the next draft.

2.3. Economic Development and Urbanization

Commissioner Bunnett suggested simplifying the language in the second paragraph of the introduction and changing the reference to the biosphere region. He also had a minor change to the second sentence of the goal.

Commissioner Baker suggested that the percentages in the second paragraph relating to income sources be presented in graphic form instead if at all possible. She also had a minor edit to the sentence following regarding keeping retiree income stays in our local economy. She suggested adding a reference to entry-level jobs in paragraph four of the introduction or to the second policy/objective. Ms. Riner asked the planning commissioners to share their perspective about the opportunities for youth available currently in Lincoln City.

Commissioner Blackerby suggested some minor edits to eliminate run-on sentences in the first and fifth paragraphs of the introduction.

Commissioner Baker suggested using the term "visitors" throughout the document instead of tourists. Ms. Baker also supported adding a policy/objective to encourage the City to prioritize spending locally. Due to specific legal requirements relating to contracts and RFPs, Director Skinner recommended against putting such language into the Comprehensive Plan.

2.4. Parks, Recreation, and Open Space

Commissioner Corso suggested simplifying the description of the current park so that the document remains more relevant over time.

Commissioner Baker commented that the open space acreage figures should be confirmed and remain consistent throughout the document.

Responding to a question from Commissioner Bunnett, Director Skinner stated that only passive recreation was permitted in designated open space areas, such as birdwatching, photography, and walking/hiking.

2.5. Land Use

Commissioner Baker commented that the land use designations for the Taft Village Core (TVC), and the Nelscott and Oceanlake Plan Areas seemed very similar. She questioned why they couldn't be addressed as a single land use designation. Director Skinner stated that such a change would require a zone change that was not anticipated as part of the Comprehensive Plan, and that it would require significant effort. Currently the only changes suggested are to revise the names of some of the land use designations, and to add one new land use designation for Public Facilities.

Responding to a question from Commissioner Blackerby, Director Skinner stated that the neighborhoods with unique zoning, such as Nelscott and Oceanlake, had been the subject of Urban Renewal Agency planning efforts.

The planning commissioners suggested several ways to improve the second sentence of the second introductory chapter.

Commissioner Baker commented that the existing Comprehensive Plan chapter on Land Use included discussions on a wide range of issues, including subdivision regulations, land acquisition, planned unit developments, transfers of development rights, the building code, capital improvement plans, and urban growth boundary adjustments. Director Skinner stated that these were all taken directly from the Statewide Planning Goals and did not need to be restated in the new Comprehensive Plan Update.

III. DIRECTOR UPDATE

Director Skinner concluded the meeting by reviewing the schedule for the remaining action items for completing the Comprehensive Plan. A work session with City Council to review the final five chapters is scheduled for Monday, October 1, 2023, and the Planning Commission public hearing will be held on Tuesday, November 7, 2023. A citywide mailing of the public hearing notification will be conducted on October 16, 2023.

IV. ADJOURN

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

Planning Commission Communication

FR 2023-09 for ZOA 2023-04

Meeting Date: October 17, 2023 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Attachments:

FR 2023-09 for ZOA 2023-04 (DOC)

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to Title 17, Zoning,) Final Recommendation
regarding mobile food unit exception for) 2023-09
one cooking unit)

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), amending Chapter 17.80 (provisions applying to special uses) amending Section 17.80.170 (mobile food units and mobile food unit pods) adding an exception.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on September 5, 2023, including the staff report, the Planning Commission recommends on a 4-0 vote that the City Council approve the draft language (Exhibit A Findings follow). No written comments were received. No oral testimony was given.

APPROVED THIS 17th day of October, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Planning & Community Development Director

EXHIBIT A – FINDINGS FOR ORDINANCE 2023-XX (ZOA 2023-04)

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No city-wide notice was provided as the amendment does not rezone property or change permitted uses. Notice to DLCDC was properly made on July 31, 2023. Notice for the public hearings before the Planning Commission on September 5, 2023, and the City Council on September 25, 2023, were published in the local newspaper on August 8, 2023, and August 15, 2023.

Summary:

Ordinance 2023-XX proposes amending Lincoln City Municipal Code (LCMC) Title 17 to add an exception for one cooking unit separate from the mobile food unit with maximum size dimensions and placement approval by the fire marshal.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received regarding the items.

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

(1) Goal 1: Citizen Involvement

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

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

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City

Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

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

(4) Goal 4: Forest Lands

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

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

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

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

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

(6) Goal 6: Air, Water and Land Resources Quality

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

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

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

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

(8) Goal 8: Recreational Needs

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

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

(9) Goal 9: Economic Development

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

The 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 to allow one separate cooking unit separate from the mobile food unit provides opportunity for additional commercial activity in the form of mobile food units who utilize a cooking unit that is not integrated into the mobile food unit. The amendment is consistent with Goal 9.

(10) Goal 10: Housing

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

The amendment does not relate to housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

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

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

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

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

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

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches and Dunes

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

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

(19) Goal 19: Ocean Resources

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

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program, outlined in Resolution No. 94-33. The City has a Committee for Citizen Involvement (the Planning Commission). In addition, the public hearing process, with two notices to the public through publication in the local newspaper and review of the amendment by the Planning Commission (the Committee for Citizen Involvement/local appointed citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

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

(4) Urbanization Goal

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

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

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendment does not directly impact housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with this goal.

(7) Economy Goal

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

The 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 to allow one separate cooking unit separate from the mobile food unit provides opportunity for additional commercial activity in the form of mobile food units who utilize a cooking unit that is not integrated into the mobile food unit. The amendment is consistent with this goal.

(8) Aesthetic Goal

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

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

(9) Transportation Goal

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

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

(10) Energy Goal

"To conserve energy."

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

(11) Overall Environmental Goal

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

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

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

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

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

Planning Commission Communication

FR 2023-10 for ZOA 2023-05 (TSP driving)

Meeting Date: October 17, 2023 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Attachments:

FR 2023-10 for ZOA 2023-05 (DOC)

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to Lincoln City regarding) Final Recommendation
Transportation System Plan) 2023-10

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Transportation System Plan removing five driving projects.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on September 19, 2023, including the staff report, the Planning Commission recommends on a 5-0 vote that the City Council approve the removal of the five driving projects D7, D18, D22, D23, and D25 (Exhibit A Findings follow). No written comments were received. No oral testimony was given.

APPROVED THIS 17th day of October, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Planning & Community Development Director

EXHIBIT A – FINDINGS FOR ORDINANCE 2023-XX (ZOA 2023-05)

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No city-wide notice was provided as the amendment does not rezone property or change permitted uses. Notice to DLCDC was properly made on August 10, 2023. Notice for the public hearings before the Planning Commission on September 19, 2023, and the City Council on October 23, 2023, was published in the local newspaper on September 5, 2023, and September 12, 2023.

Summary:

Ordinance 2023-XX proposes amending the Lincoln City Transportation System Plan by removing five driving projects identified as D7, D18, D22, D23, and D25.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received regarding the items.

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

(1) Goal 1: Citizen Involvement

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

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

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan, its implementation measure, the Lincoln City Zoning Ordinance, and the Lincoln City Transportation System Plan after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City

Council considered the proposed amendments to the Lincoln City Transportation System Plan in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

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

(4) Goal 4: Forest Lands

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

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

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

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

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

(6) Goal 6: Air, Water and Land Resources Quality

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

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

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

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

(8) Goal 8: Recreational Needs

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

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

(9) Goal 9: Economic Development

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

The 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.

(10) Goal 10: Housing

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

The amendment does not relate to housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

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

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

(12) Goal 12: Transportation

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

The amendment directly relates to the development of the city's transportation system by removing five of the aspirational driving projects from the Lincoln City Transportation System Plan. The five driving projects being removed are not feasible to construct for a variety of reasons including existing development, location of significant natural resources, steep slopes/topography, and archaeological discoveries. With proximity of existing street connections, they are not needed either. Removal of the five projects will allow for designation of the funds that would have been spent on the projects to go to other driving projects in the plan that are needed and are feasible. The amendment is consistent with Goal 12.

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

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

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

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches and Dunes

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

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

(19) Goal 19: Ocean Resources

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

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, as well as the Lincoln City Transportation System Plan after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program, outlined in Resolution No. 94-33. The City has a Committee for Citizen Involvement (the Planning Commission). In addition, the public hearing process, with two notices to the public through publication in the local newspaper and review of the amendment by the Planning Commission (the Committee for Citizen Involvement/local appointed citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

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

(4) Urbanization Goal

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

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

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendment does not directly impact housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with this goal.

(7) Economy Goal

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

The 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. This goal is met or is not applicable.

(8) Aesthetic Goal

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

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

(9) Transportation Goal

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

The amendment directly relates to the development of the city's transportation system by removing five of the aspirational driving projects from the Lincoln City Transportation

System Plan. The five driving projects being removed are not feasible to construct for a variety of reasons including existing development, location of significant natural resources, steep slopes/topography, and archaeological discoveries. With proximity of existing street connections, they are not needed either. Removal of the five projects will allow for designation of the funds that would have been spent on the projects to go to other driving projects in the plan that are needed and are feasible. This goal is met.

(10) Energy Goal

"To conserve energy."

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

(11) Overall Environmental Goal

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

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

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

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

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

Planning Commission Communication

FR 2023-11 for ZOA 2023-06 (VRD to STR)

Meeting Date:	October 17, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Attachments:

FR 2023-11 for ZOA 2023-06 (DOC)

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to Title 17, Zoning,) Final Recommendation 2023-11
regarding vacation rental dwellings)

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), amending the portions of Title 17 related to vacation rental dwellings to change the name to short-term rentals, add the rental period to the definition, add a reference to Chapter 17.56 to the off-street parking requirements for short-term rentals, move the application process to Chapter 17.77, add language to the solid waste requirements, express the cap as a number rather than a percentage, and remove accessory licenses as an allowed use in residential zones but allowing any in existence to remain as legally nonconforming uses.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on September 19, 2023, including the staff report, the Planning Commission recommends on a 5-0 vote that the City Council approve the draft language (Exhibit A Findings follow). Written comments were received from in support of the amendment. Written comments were received from expressing no support for the portion of the amendment proposing to remove accessory licenses as an allowed use in the residential zones. Oral testimony in support of the amendment was received from

APPROVED THIS 17th day of October, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Planning & Community Development Director

EXHIBIT A – FINDINGS FOR ORDINANCE 2023-XX (ZOA 2023-06)

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. A city-wide notice of the application and public hearings was mailed on August 29, 2023. Notice to DLCD was properly made on August 10, 2023. The notice for the public hearing before the Planning Commission on September 19, 2023, and the City Council on October 23, 2023, was published in the local newspaper on September 5, 2023, and September 12, 2023.

Summary:

Ordinance 2023-XX proposes amending Lincoln City Municipal Code (LCMC) Title 17 as follows: change “vacation rental dwelling” to “short-term rental”; add to the definition the maximum length of a rental period as 30 days or less; move the application process from 17.80.050 to 17.77; eliminate accessory short-term rentals as an allowed use in residential zones but allow those in existence to remain as legally nonconforming uses; reflect the cap as a whole number rather than a percentage; provided additional details on the solid waste receptacle requirement; and add reference to 17.80.050 to Chapter 17.56 for the off-street parking space sizing and surfacing requirements.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with written comments and oral testimony in favor of the amendment, are hereby incorporated herein by this reference.

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
 (1) Goal 1: Citizen Involvement

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

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

- (2) Goal 2: Land Use Planning

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

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

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

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

(4) Goal 4: Forest Lands

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

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

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

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

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

(6) Goal 6: Air, Water and Land Resources Quality

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

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

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

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

(8) Goal 8: Recreational Needs

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

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

(9) Goal 9: Economic Development

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

The 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's commercial zones. The removal of accessory short-term rentals as an allowed use in residential zones does not change or impact the ability to locate a short-term rental in any of the city's commercial zones and will encourage growth of short-term rentals in commercial zones. The amendment is consistent with Goal 9.

(10) Goal 10: Housing

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

The amendment eliminates accessory short-term rentals as an allowed use in residential zones. This serves to open up those houses instead to use as full-time residents or long-term rentals, thus providing more housing for the city's citizens. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

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

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

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

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

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

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches and Dunes

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

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

(19) Goal 19: Ocean Resources

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

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program, outlined in Resolution No. 94-33. The City has a Committee for Citizen Involvement (the Planning Commission). In addition, the public hearing process, with two notices to the public through publication in the local newspaper and review of the amendment by the Planning Commission (the Committee for Citizen Involvement/local appointed citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

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

(4) Urbanization Goal

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

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

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendment eliminates accessory short-term rentals as an allowed use in residential zones. This serves to open up those houses instead to use as full-time residents or long-term rentals, thus providing more housing for the city's citizens. The amendment is consistent with this goal.

(7) Economy Goal

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

The 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's commercial zones. The removal of accessory short-term rentals as an allowed use in residential zones does not change or impact the ability to locate a short-term rental in any of the city's commercial zones and will encourage growth of short-term rentals in commercial zones. The amendment is consistent with this goal.

(8) Aesthetic Goal

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

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

(9) Transportation Goal

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

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

(10) Energy Goal

"To conserve energy."

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

(11) Overall Environmental Goal

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

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

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

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

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

Planning Commission Communication

ZOA 2023-07 RR Height

Meeting Date: October 17, 2023 Primary Staff Contact: AnneMarie Skinner
 Department: Planning Commission E-Mail: ASkinner@lincolncity.org
 Secondary Dept: Secondary Contacts:
 Approval: Estimated Time:

Question:

Should the Planning Commission hold the public hearing for the zoning ordinance amendment?

Staff Recommendation:

Staff recommends the Planning Commission hold the public hearing, close the public hearing and the record, and make a recommendation to City Council.

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:

At the time the development standards for the Recreation Residential (RR) zone were placed in table format rather than written format, the maximum height was

inadvertently omitted. This amendment will place the 35-foot maximum height in the RR zone back in Chapter 17.40.

Potential Motions:

First - Move to close the public hearing and the record.

Then - Move to recommend that City Council approve the zoning ordinance amendment to replace the mistakenly-removed 35-foot maximum height limit in the RR zone.

Attachments:

Ord 2023-XX for ZOA 2023-07 (DOCX)

FR 2023-12 for ZOA 2023-07 RR Height (DOC)

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendment to Title 17, Zoning,) Final Recommendation
regarding 35-foot RR height limit) 2023-12
Chapter 17.40)

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), amending Chapter 17.40 (Recreation Residential (RR) Zone) amending Section 17.40.060 (lot requirements) adding back the mistakenly-removed height limitation.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on October 17, 2023, including the staff report, the Planning Commission recommends on a 5-0 vote that the City Council approve the draft language (Exhibit A Findings follow). No written comments were received. No oral testimony was given.

APPROVED THIS 17th day of October, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Planning & Community Development Director

EXHIBIT A – FINDINGS FOR ORDINANCE 2023-XX (ZOA 2023-07)

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No city-wide notice was provided as the amendment does not rezone property or change permitted uses. Notice to DLCDC was properly made on August 28, 2023. Notice for the public hearings before the Planning Commission on October 3, 2023, (continued to October 17, 2023 due to no quorum for October 3rd) and the City Council on October 23, 2023, were published in the local newspaper on September 19, 2023, and September 26, 2023.

Summary:

Ordinance 2023-XX proposes amending Lincoln City Municipal Code (LCMC) Title 17 to replace the 35-foot maximum height limit in the Recreation Residential (RR) zone that was mistakenly removed when changing the format of the development standards to a table format.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received regarding the item.

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

(1) Goal 1: Citizen Involvement

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

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

(2) Goal 2: Land Use Planning

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City

Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

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

(4) Goal 4: Forest Lands

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

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

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

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

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

(6) Goal 6: Air, Water and Land Resources Quality

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

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

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

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

(8) Goal 8: Recreational Needs

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

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

(9) Goal 9: Economic Development

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

The 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.

(10) Goal 10: Housing

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

The amendment does not directly relate to housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

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

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

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

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

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

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

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

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches and Dunes

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

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

(19) Goal 19: Ocean Resources

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

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program, outlined in Resolution No. 94-33. The City has a Committee for Citizen Involvement (the Planning Commission). In addition, the public hearing process, with two notices to the public through publication in the local newspaper and review of the amendment by the Planning Commission (the Committee for Citizen Involvement/local appointed citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

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

(4) Urbanization Goal

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

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

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendment does not directly impact housing and does not adversely affect the provision of or ability to develop housing in the city. The amendment is consistent with this goal.

(7) Economy Goal

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

The 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 this goal or is not applicable.

(8) Aesthetic Goal

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

The amendment does not specifically relate to aesthetics, although a maximum height limit of 35 feet is more pleasing to the eye for a house than a 45-foot tall house and won't tower over other houses that are 35 feet or less in height. This goal is met or is not applicable.

(9) Transportation Goal

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

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

(10) Energy Goal

"To conserve energy."

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

(11) Overall Environmental Goal

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

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

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

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

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

Planning Commission Communication

ZOA 2023-08 Housing 2023 legislation

Meeting Date: October 17, 2023 Primary Staff Contact: AnneMarie Skinner
 Department: Planning Commission E-Mail: ASkinner@lincolncity.org
 Secondary Dept: Secondary Contacts:
 Approval: Estimated Time:

Question:

Should the Planning Commission hold the public hearing for the zoning ordinance amendment?

Staff Recommendation:

Staff recommends the Planning Commission hold the public hearing, close the public hearing and the record, and make a recommendation to City Council.

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:

The Oregon Legislature passed several bills in the 2023 session pertaining to requirements for housing. This ordinance amendment incorporates the changes made in the 2023 session. Additionally, there are still places in Title 17 that refer to single-family

dwelling rather than single-unit dwelling or vacation rental dwelling rather than short-term rental. Hopefully, this amendment has caught all of the remaining stragglers.

Briefly, definitions were updated for condominium, manufactured dwelling, manufactured home, mobile home park, and recreational vehicle to match updated definitions in Oregon Revised Statutes. Definitions from Oregon Revised Statutes were added for accessory use or structure for a manufactured dwelling, manufactured dwelling park, prefabricated structure, skirting, single-room occupancy, and tiedown.

Wherever manufactured homes are allowed, so also allowed are prefabricated structures and they were accordingly added to permitted uses in the zones that permit manufactured homes. Single-room occupancy must be allowed in all zones that allow single-unit dwellings with a maximum of six units. Mobile or manufactured home parks are allowed, so “manufactured” was added to what was previously “mobile home parks” to now read “mobile or manufactured home parks.” A new section for residential use of commercial lands was added in Chapter 17.80 and the use was added as a permitted use in all the commercial zones. Emergency shelters were mandated as an allowed use anywhere in the city in prior legislation, but with an application deadline of July 1, 2023. The application deadline was completely removed in this year’s legislation.

Potential Motions:

First - Move to close the public hearing and the record.

Then - Move to recommend that City Council approve the zoning ordinance amendment as written OR move to recommend that City Council approve the zoning ordinance amendment as written, but with the following changes (and then list the changes).

Attachments:

Ord 2023-26 for ZOA 2023-08 (DOCX)

FR 2023-13 for ZOA 2023-08 Housing (DOC)

ORDINANCE NO. 2023-26

1
 2
 3 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING),
 4 AMENDING CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS);
 5 AMENDING CHAPTER 17.04 GENERAL PROVISIONS, SECTION 17.04.05 (RESTRICTION);
 6 AMENDING 17.16 (SINGLE-UNIT RESIDENTIAL (R1) ZONE), SECTION 17.16.010
 7 (PURPOSE), SECTION 17.16.020 (PERMITTED USES), AND SECTION 17.16.040
 8 (CONDITIONAL USES); AMENDING CHAPTER 17.17 (SINGLE-UNIT RESIDENTIAL ROADS
 9 END (R1RE) ZONE), SECTION 17.17.010 (PURPOSE) AND SECTION 17.17.020 (PERMITTED
 10 USES); AMENDING CHAPTER 17.18 (VACATION RENTAL (VR) ZONE), SECTION 17.18.020
 11 (PERMITTED USES) AND SECTION 17.18.040 (CONDITIONAL USES); AMENDING CHAPTER
 12 17.20 (MULTIPLE-UNIT (RM) RESIDENTIAL ZONE), SECTION 17.20.020 (PERMITTED USES);
 13 AMENDING CHAPTER 17.24 (PROFESSIONAL CAMPUS (PC) ZONE), SECTION 17.24.020
 14 (USES PERMITTED); AMENDING CHAPTER 17.28 (RECREATION COMMERCIAL (RC) ZONE),
 15 SECTION 17.28.010 (PURPOSE) AND SECTION 17.28.020 (USES PERMITTED); AMENDING
 16 CHAPTER 17.29 (RESORT COMMUNITY COMMERCIAL (RCC) ZONE), SECTION 17.29.020
 17 (USES PERMITTED); AMENDING CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE),
 18 SECTION 17.32.020 (PURPOSE), SECTION 17.32.020 (USES PERMITTED), SECTION
 19 17.32.040 CONDITIONAL USES PERMITTED, AND SECTION 17.32.080 MAXIMUM
 20 BUILDING SIZE; AMENDING CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION
 21 17.34.030 (PERMITTED USES) AND SECTION 17.34.040 (DEVELOPMENT STANDARDS);
 22 AMENDING CHAPTER 17.36 (PLANNED INDUSTRIAL (PI) ZONE), SECTION 17.36.020 (USES
 23 PERMITTED); AMENDING CHAPTER 17.40 (RECREATION RESIDENTIAL (RR) ZONE),
 24 SECTION 17.40.020 PERMITTED USES; AMENDING CHAPTER 17.42 (PARK (P) ZONE),
 25 SECTION 17.42.020 (PERMITTED USES); AMENDING CHAPTER 17.45 (TAFT VILLAGE CORE
 26 (TVC) ZONE), SECTION 17.45.010 (PURPOSE) AND SECTION 17.45.020 PERMITTED USES;
 27 AMENDING CHAPTER 17.50 (OCEANLAKE PLAN (OP) DISTRICT), SECTION 17.50.030
 28 (PERMITTED USES); AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL
 29 USES), SECTION 17.80.040 (STANDARDS FOR MOBILE HOME PARKS, RV PARKS, AND
 30 TINY HOUSE DEVELOPMENTS), SECTION 17.80.080 (ANIMALS AND GARDENS), SECTION
 31 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS), SECTION 17.80.120 (COTTAGE
 32 HOUSING DEVELOPMENTS), SECTION 17.80.150 (FOUR-FLAT DWELLINGS); SECTION
 33 17.80.180 (WIRELESS COMMUNICATIONS FACILITIES); SECTION 17.80.200 (AFFORDABLE
 34 HOUSING), SECTION 17.80.220 (EMERGENCY SHELTERS), AND ADDING A NEW SECTION
 35 17.80.230 (RESIDENTIAL USE OF COMMERCIAL LANDS)
 36

37 *Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.*
 38

39 **The City Council finds:**
 40

- 1 A. The amendments to the Lincoln City Municipal Code are in conformance with the
 2 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in
 3 attached Exhibit "A"; and
 4
- 5 B. The amendments are in conformance with the Zoning Ordinance, including, but not
 6 limited to, required initiation, processing and noticing requirements; and
 7
- 8 C. The City duly notified the Oregon Department of Land Conservation and Development
 9 pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on
 10 September 12, 2023; City staff determined that the amendment did not require a city-
 11 wide mailing under ORS 227.186(4); and
 12
- 13 D. The Planning Commission, on October 17, 2023, held a public hearing and considered
 14 the amendments contained within this ordinance. On October 17, 2023, the Planning
 15 Commission voted to transmit the amendments to the City Council; and
 16
- 17 E. The City Council conducted the public hearing on October 23, 2023, closed the hearing,
 18 closed the record, and deliberated on the proposed amendments on October 23, 2023;
 19 and
 20
- 21 F. All persons were given an opportunity to provide written and/or oral testimony on the
 22 proposed ordinance amendments.
 23

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

25
 26 **SECTION 1.** Chapter 17.08 (*Definitions*), Section 17.08.010 (*Definitions*) is hereby amended to
 27 read as follows:
 28

29 **"Accessory building or structure" when referring to an accessory building or structure for**
 30 **a manufactured dwelling means any portable, demountable or permanent structure**
 31 **established for use of the occupant of the manufactured dwelling and as further defined**
 32 **by rule by the Director of the Department of Consumer and Business Services.**
 33

34 "Condominium" means ownership of a single unit in a **multi-unit** structure **with more than one**
 35 **unit** that may **or may not** contain common facilities; includes both residential and commercial
 36 condominiums. **See ORS 100 for applicable requirements. Pursuant to House Bill 3395 from**
 37 **the Oregon 2023 Legislative Session, local governments are precluded from reviewing and**
 38 **approving condominium plats. Local governments are also prohibited from applying any**
 39 **zoning, subdivision, building code, or other regulation that imposes a tax or fee, approval**
 40 **process, or permitting requirements upon any development or property proposed as**
 41 **condominium not also imposed on a different form of ownership.**
 42

43 **"Manufactured dwelling" means a residential trailer, mobile home, or manufactured**
 44 **home, as those terms are defined in this chapter. "Manufactured dwelling" does not**

1 include any building or structure constructed to conform to the State of Oregon Specialty
 2 Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or
 3 455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon
 4 Laws 2019.

5
 6 ~~“Manufactured dwelling” means a manufactured home, mobile home, or residential trailer~~
 7 ~~as those terms are defined in this title. “Manufactured dwelling” does not mean any~~
 8 ~~building or structure subject to the structural specialty code adopted pursuant to ORS~~
 9 ~~455.100 through 455.450 or any unit identified as a recreational vehicle by the~~
 10 ~~manufacturer.~~

11
 12 “Manufactured dwelling park” means any place where four or more manufactured
 13 dwellings or prefabricated structures, that are relocatable and more than eight and one-
 14 half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land
 15 under the same ownership, the primary purpose of which is to rent or lease space or keep
 16 space for rent or lease to any person for a charge or fee paid or to be paid for the rental
 17 or lease space or keep space for rent or lease to any person for a charge or fee paid or to
 18 be paid for the rental or lease or use of facilities or to offer space free in connection with
 19 securing the trade or patronage of such person. “Manufactured dwelling park” does not
 20 include a lot or lots located within a subdivision being rented or leased for occupancy by
 21 no more than one manufactured dwelling per lot if the subdivision was approved by the
 22 local government unit having jurisdiction under an ordinance adopted pursuant to ORS
 23 92.010 to 92.192.

24
 25 “Manufactured home” means a structure constructed for movement on the public
 26 highways that has sleeping, cooking, and plumbing facilities, that is intended for human
 27 occupancy, that is being used for residential purposes and that was constructed in
 28 accordance with federal manufactured housing construction and safety standards and
 29 regulations in effect at the time of construction. “Manufactured home” does not include
 30 any building or structure constructed to conform to the State of Oregon Specialty Code,
 31 the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or 455.610 or
 32 the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

33
 34 ~~“Manufactured home” means a structure constructed for movement on the public~~
 35 ~~highways, that has sleeping, cooking and plumbing facilities that is intended for human~~
 36 ~~occupancy, that is being used for residential purposes and that was constructed after June~~
 37 ~~15, 1976, in accordance with Federal Manufactured Housing Construction Safety~~
 38 ~~Standards and Regulations in effect at the time of construction.~~

39
 40 “Mobile home park” means any place where four or more manufactured dwellings are
 41 located within 500 feet of one another on a lot, tract, or parcel of land under the same
 42 ownership, the primary purpose of which is to rent space or keep space for rent to any
 43 person for a charge or fee paid or to be paid for the rental or use of facilities or to offer
 44 space free in connection with securing the trade or patronage of such person. “Mobile

1 home park” does not include a lot or lots located within a subdivision being rented or
 2 leased for occupancy by no more than one manufactured dwelling per lot if the
 3 subdivision was approved by the municipality unit have jurisdiction under an ordinance
 4 adopted pursuant to ORS 92.010 to 92.192.

5
 6 ~~“Mobile home park” means any place where four or more mobile homes within 500 feet~~
 7 ~~of one another on a lot, tract or parcel of land under the same ownership, the primary~~
 8 ~~purpose of which is to rent space or keep space for rent to any person for a charge or fee~~
 9 ~~paid or to be paid for the rental or use of facilities or to offer space free in connection~~
 10 ~~with securing the trade or patronage of such person.~~

11
 12 “Prefabricated structure” means a building or subassembly that has been in whole or
 13 substantial part manufactured or assembled using closed construction at an off-site
 14 location to be wholly or partially assembled on-site; does not mean a manufactured
 15 dwelling or a small home as defined in section 2, chapter 401, Oregon Laws 2019.

16
 17 “Recreational vehicle” means a vehicle with or without motive power that is designed for
 18 use as living quarters and as further defined by the Oregon Director of Transportation.

19
 20 ~~“Recreational vehicle” means a vehicle with or without motive power that is designed for~~
 21 ~~human occupancy and has a gross floor area not exceeding 400 square feet in the set-up~~
 22 ~~mode and as further defined by rule by the Oregon Department of Consumer and~~
 23 ~~Business Services Building Codes Division.~~

24
 25 “Skirting” means a weather resistant material used to enclose the space below a
 26 manufactured dwelling.

27
 28 “Single-room occupancy” means a residential development with no fewer than four
 29 attached rooms that are independently rented and lockable and provide living and
 30 sleeping space for the exclusive use of an occupant, but require that the occupant share
 31 sanitary or food preparation facilities with other units in the occupancy.

32
 33 “Tiedown” means any device designed to anchor a manufactured dwelling securely to the
 34 ground.

35
 36 **SECTION 2.** Chapter 17.04 (*General Provisions*), Section 17.04.050 (*Restriction*), is hereby
 37 amended to read as follows:

38
 39 No development shall occur unless city water and city sanitary sewer services are
 40 available and utilized to serve such development. “Development” is defined in
 41 LCMC 17.08.010. Standards for installation and construction of city water and city
 42 sanitary sewer services shall be those outlined in LCMC Titles 12 and 13 and
 43 Lincoln City’s public works design standards. Exception: Existing lots of record

1 less than five acres in area which do not front on a public sewer line but which
 2 will be connected to a public water line may be developed with one detached or
 3 attached single-unit dwelling, ~~or~~ one manufactured **dwelling, home, or one**
 4 **prefabricated structure** utilizing an approved subsurface sewage disposal
 5 system, provided a deferred improvement agreement is executed and recorded
 6 by the owner of record consenting to the establishment of a local improvement
 7 district to participate in future public sewer system extensions and connections.
 8

9 **SECTION 3.** Chapter 17.16 (*Single-Unit Residential (R1) Zone*), Section 17.16.010 (*Purpose*), is
 10 hereby amended as follows:

11
 12 To promote and encourage a suitable environment for **family-residential** living and to
 13 protect and stabilize the residential characteristics of the zone. The R1 zone is intended
 14 to provide primarily for **single-unit dwellings** ~~single-family dwellings~~.
 15

16 **SECTION 4.** Chapter 17.16 (*Single-Unit Residential (R1) Zone*), Section 17.16.020 (*Permitted uses*),
 17 Paragraph A is hereby amended as follows:

18 5. Manufactured homes **and prefabricated structures**;

19
 20 6. A **mobile home recreational vehicle** used during construction of a permitted
 21 use for which a building permit has been issued, but not exceeding **one year six**
 22 **months**;

23
 24
 25 **10. Single-room occupancy with one such structure allowed per lot or parcel**
 26 **and a maximum of six single-occupancy room units in the structure**;

27
 28 **11. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
 29 **17.08.010.**
 30

31 **SECTION 5.** Chapter 17.16 (*Single-Unit Residential (R1) Zone*), Section 17.16.040 (*Conditional*
 32 *Uses*), is hereby amended as follows:

33
 34 E. Mobile **or manufactured** home parks submitted under the provisions of LCMC
 35 17.80.040;

36
 37 **SECTION 6.** Chapter 17.17 (*Single-Unit residential, Roads End (R1RE) Zone*), Section 17.17.010
 38 (*Purpose*), is hereby amended as follows:

39
 40 To retain and maintain the historic and traditional nature of the Roads End
 41 neighborhood, to promote and encourage a suitable environment for **residential** family
 42 living and to protect and stabilize the residential characteristics of the area. The R1RE
 43 zone is intended to provide primarily for **single-unit dwellings**. ~~single-family~~

1 **dwelling**s. Nonconforming uses are permitted to continue in accordance with Chapter
2 17.64 LCMC.

3
4 **SECTION 7.** Chapter 17.17 (*Single-Unit residential, Roads End (R1RE) Zone*), Section 17.17.020
5 (*Permitted uses*), Paragraph A is hereby amended as follows:

6
7 1. **Single-unit dwellings; Single-family dwellings;**

8
9 2. Manufactured homes **and prefabricated structures;**

10
11 3. Duplexes. **Short-term rentals VRDs** are prohibited in duplexes;

12
13 **6. Single-room occupancy with one such structure allowed per lot or parcel**
14 **and a maximum of six single-occupancy room units in the structure;**

15
16 **7. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
17 **17.08.010.**

18
19 **SECTION 8.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.020 (*Permitted uses*) is
20 hereby amended to read as follows:

21
22 E. Manufactured homes **and prefabricated structures;**

23
24 F. A **recreational vehicle mobile home** used during construction of a permitted use for
25 which a building permit has been issued, but not exceeding **one year; six months;**

26
27 **M. Single-room occupancy with one such structure allowed per lot or parcel and a**
28 **maximum of six single-occupancy room units in the structure;**

29
30 **N. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
31 **17.08.010.**

32
33 **SECTION 9.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.040 (*Conditional uses*), is
34 hereby amended as follows:

35
36 E. Mobile **or manufactured** home parks submitted under the provisions of LCMC
37 17.80.040;

38
39 **SECTION 10.** Chapter 17.20 (*Multiple-Unit Residential (RM) Zone*), Section 17.20.020 (*Permitted*
40 *uses*), is hereby amended as follows:

41
42 **N. Tiny house;**

1 **O. Single-room occupancy with as many structures per lot or parcel to meet the**
2 **minimum density requirement in LCMC 17.20.050 and a maximum of six single-**
3 **occupancy room units in each structure.**

4
5 **P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
6 **17.08.010.**

7
8 **SECTION 11.** Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.020 (*Uses permitted*),
9 is hereby amended as follows:

10
11 **M. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
12 **17.08.010.**

13
14 **N. Residential use of commercial lands as outlined in LCMC 17.80.230**

15
16 **SECTION 12.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.010 (*Purpose*), is
17 hereby amended as follows:

18
19 The recreation commercial zone (RC) is provided for those commercial uses having a
20 definite relationship to the community's resort and recreation industry. Allowed herein
21 are uses that provide food, lodging, recreational activities and services that have a resort
22 rather than a carnival character. **Multi-unit residential development Residential**
23 ~~multifamily housing~~ is also permitted which meets demands for housing in areas of
24 concentrated recreation services, including seasonal and retirement homes.

25
26 **SECTION 13.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.020 (*Uses*
27 *permitted*), is hereby amended as follows:

28
29 I. Manufactured homes **and prefabricated structures;**

30
31 **W. Single-room occupancy with one such structure allowed per lot or parcel and a**
32 **maximum of six single-occupancy room units in the structure;**

33
34 **X. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
35 **17.08.010;**

36
37 **Y. Residential use of commercial lands as outlined in LCMC 17.80.230.**

38
39 **SECTION 14.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.040 (*Conditional*
40 *uses permitted*), is hereby amended as follows:

41
42 **H. Emergency shelters;**

43

1 **SECTION 15.** Chapter 17.29 (*Resort Community Commercial*), Section 17.29.020 (*Uses permitted*),
2 is hereby amended as follows:

3
4 ~~A statutory development agreement will select from the uses permitted in the RCC~~
5 ~~district listed below. The developer and city may agree to any of the following uses:~~

6
7 15. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC
8 17.08.010;

9 16. Conversions, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010;

10 17. Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC
11 17.08.010;

12
13 18. Residential use of commercial lands as outlined in LCMC 17.80.230

14
15 C. Residential use is authorized when located above the above listed nonresidential uses.
16 Nonresidential use must always be located on the ground floor. Short-term rentals are not an
17 allowed use in this zone. Residential use includes apartment use, which may include
18 individual condominium ownership or long-term rentals short-term rentals and time share
19 of such dwelling units is not authorized.

20
21 **SECTION 16.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.010 (*Purpose*), is
22 hereby amended as follows:

23
24 The general commercial zone (GC) is provided to accommodate a wide range of retail
25 commercial uses including those which attract shoppers from a community or larger
26 market area, as well as convenience service/retail uses and single-unit dwellings.
27 single-family residential dwelling units. Retail commercial uses are those that sell
28 services and/or products to the ultimate consumer. Also permitted as conditional uses
29 are low intensity fabrication uses and other limited service facilities as listed.

30 **SECTION 17.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.020 (*Uses permitted*),
31 is hereby amended as follows:

32
33 L. Carpenter, plumbing, cabinet, upholstering and sheet metal shops, and other
34 contractor’s establishments, if conducted wholly within an enclosed building;

35 ~~_____ X. Manufactured homes when developed in accordance with the standards~~
36 ~~_____ specified in LCMC 17.28.100(B) and 17.52.250;~~

37 Y. Manufactured homes and prefabricated structures, subject to the provisions of
38 Chapter 17.16 LCMC for the R1-5 zone; if developed under the standards set forth within
39 the R1 zone;

1 MM. Conversion, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010; (see
2 definition in Chapter 17.08 LCMC);

3 NN. Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC
4 17.08.010; (see definition in Chapter 17.08 LCMC);

5 QQ. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC
6 17.08.010;

7 RR. Single-room occupancy, with one such structure allowed per lot or parcel and a
8 maximum of six single-occupancy room units in the structure;

9 SS. Multi-unit dwellings developed under the standards and requirements for
10 multi-unit dwellings in Chapter 17.20 LCMC;

11 TT. Residential use of commercial lands as outlined in LCMC 17.80.230.

12 **SECTION 18.** Chapter 17.32 (*General Commercial (GC) Zone*) Section 17.32.040 (*Conditional uses*
13 *permitted*), is hereby amended as follows:

14
15 ~~—— **K. Multi-unit dwellings developed under the standards and requirements for multi-**~~
16 ~~—— **unit dwellings in Chapter 17.20 LCMC and Article III of Chapter 17.74 LCMC;**~~

17 ~~—— **S. Emergency shelters;**~~

18 **SECTION 19.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.080 (*Maximum*
19 *building size*), is hereby amended as follows:

20
21 C. Variances under LCMC 17.77.140 Chapter 17.68 LCMC to the footprint limitation set
22 out in this section shall not be allowed.

23
24 **SECTION 20.** Chapter 17.34 (*Nelscott Plan (NP) District*), Section 17.34.030 (*Permitted uses*), is
25 hereby amended as follows:

26
27 Table 17.34.030-1 – Land Uses Allowed in Nelscott
28

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
Use Categories			
Residential Categories			
<u>Residential Use of Commercial Lands (see LCMC 17.80.230)</u>	<u>P</u>	<u>N</u>	<u>P</u>
Mixed use	<u>P</u>	<u>N</u>	<u>P</u>

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
– dwelling(s) above or abutting a ground floor commercial use – dwelling(s) below a ground floor commercial use fronting on Highway 101	<u>N</u> <u>P</u>	N	P
Manufactured homes and prefabricated structures	<u>P</u>	P	<u>P</u>
Conversions, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)	P	N	P
Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)	P	P	P
Single-room occupancy, with one such structure allowed per lot or parcel and a maximum of six single-occupancy room units in the structure;	<u>P</u>	<u>P</u>	<u>P</u>
Other Categories			
Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010;	<u>P</u>	<u>P</u>	<u>P</u>

1
2
3
4
5
6
7

SECTION 21. Chapter 17.34 (*Nelscott Plan (NP) District*), Section 17.34.040 (*Development standards*), is hereby amended as follows:

Table 17.34.040-1 – Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Setbacks			

Standard	Business District	Cottage Residential	Beachside Mixed Use
Front, street, side, and rear property lines, except garage or carport entrances	0 ft., except as required for utility easements; single-unit dwellings (detached or attached) subject to NCR standards	5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings, except that the interior side setback for the attached side of attached single-unit dwellings is 0 ft.	10 ft.; single-unit dwellings (detached or attached) subject to NCR standards

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SECTION 22. Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.020 (*Uses permitted*), is hereby amended as follows:

N. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010.

SECTION 23. Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.030 (*Conditional uses permitted*), is hereby amended as follows:

G. Emergency shelters.

SECTION 24. Chapter 17.40 (*Recreation Residential (RR) Zone*), Section 17.40.020 (*Permitted uses*), is hereby amended as follows:

H. Four-flat dwellings, subject to the provisions of **LCMC 17.80.150; Chapter 17.80 LCMC;**

I. Manufactured homes **and prefabricated structures;**

N. Tiny house;

O. Single-room occupancy, with one such structure allowed per lot or parcel and a maximum of six single-occupancy room units in the structure;

P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010.

SECTION 25. Chapter 17.42 (*Park (P) Zone*), Section 17.42.020 (*Permitted uses*), is hereby amended as follows:

1 **P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**
 2 **17.08.010.**

3 **SECTION 26.** Chapter 17.45 (*Taft Village Core (TVC) Zone*), Sectin 17.45.010 (*Purpose*), is hereby
 4 amended as follows:

5 The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including
 6 retail, professional office, service-oriented businesses, **single-unit and multi-unit dwellings**
 7 **single-family and multifamily residences** and combinations of the above in mixed use
 8 developments within a core area of the village of Taft where concentrations of a variety of uses
 9 will encourage a pedestrian-oriented pattern of development that is different from the patterns
 10 found between Lincoln City’s village nodes.

11 **SECTION 27.** Chapter 17.45 (*Taft Village Core (TVC) Zone*), Sectin 17.45.020 (*Permitted uses*), is
 12 hereby amended as follows:

13 Table 17.45.020-1 – Land Uses Allowed in TVC
 14

Uses	Status of Use
C. Boarding and Lodging Facilities	
<u>2. Condominiums with 10 units or less and with nightly rentals²</u>	<u>C</u>
<u>G. Mixed Use Development</u>	<u>P</u>
<u>Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.</u>	<u>P</u>
I. Residential	
1. Single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC <u>for the R1-5 zone</u>	P
2. Attached single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC <u>for the R1-5 zone</u>	P
3. Duplexes, subject to the provisions of Chapter 17.16 LCMC <u>for the R1-5 zone</u>	P
6. Manufactured homes <u>and prefabricated structures</u>	P
8. Affordable housing, <u>subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</u>	P
<u>9. Single-room occupancy, with one such structure allowed per lot or parcel and a maximum of six single-occupancy room units in the structure</u>	<u>P</u>
<u>10. Residential use of commercial lands as outlined in LCMC 17.80.230</u>	<u>P</u>

Uses	Status of Use
L. Other Uses	
20. Conversions, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)	P
22. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010	<u>P</u>

- 1
- 2 ~~1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC~~
- 3 ~~zone, not including bed and breakfast accommodations and other boarding and~~
- 4 ~~lodging facilities with 10 units or less.~~
- 5 ~~2 A minimum of 50 percent of the ground-level gross floor area of new~~
- 6 ~~hotels/motels and condominiums with nightly rentals shall be comprised of~~
- 7 ~~eating/drinking establishments, entertainment/recreation establishments, or retail~~
- 8 ~~commercial uses.~~
- 9
- 10 ~~G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC~~
- 11 ~~zone, not including bed and breakfast accommodations and other boarding and~~
- 12 ~~lodging facilities with 10 units or less.~~

13 **SECTION 28.** Chapter 17.50 (*Oceanlake Plan (OP) District*), Section 17.50.030 (*Permitted uses*), is
 14 hereby amended as follows:

15 Table 17.50.030-1 – Land Uses Allowed in Oceanlake
 16

Uses	Status of Use			
	Use Categories	Main Street Area	Interior Area	Oceanfront Area
Residential Categories				
Household Living				
<u>New dwelling(s) – ground floor Detached or attached single-unit dwellings</u>	N	P		P
<u>Conversion of all or a portion of commercial buildings to residential use, either ground floor or other stories</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Residential use of commercial lands as outlined in LCMC 17.80.230</u>	<u>P</u>	<u>P</u>		<u>P</u>

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
Manufactured homes and prefabricated structures		P	P
Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)	P	P	P
Commercial Categories			
Eating and drinking establishments	P	P	P
Other Categories			
Conversions, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)	P	P	P
Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010	P	P	P

1

2 **SECTION 29.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.040 (*Standards for*
 3 *mobile home parks, recreational vehicle parks, and tiny house developments*), is hereby amended
 4 as follows:

5 17.80.040 Standards for mobile **or manufactured** home parks, recreational vehicle
 6 parks, and tiny house developments.

7 A. Mobile **or manufactured** Home Park Standards.

- 8 1. All mobile **or manufactured** home parks shall comply with state statutes.
- 9 2. If space for a mobile **or manufactured** home in the park is located more than
 10 500 feet from a public fire hydrant, the park shall install and maintain hydrants so
 11 that no mobile **or manufactured** home within the park shall be more than 500
 12 feet from a hydrant when the park is fully occupied. Each hydrant shall be
 13 adjacent to a vehicular way within the park and shall conform in design and
 14 capacity to the public hydrant standards in the city.
- 15 3. Except at driveway accesses, a decorative, sight-obscuring fence at least five
 16 but no more than six feet in height shall be located 10 feet back from the outer
 17 boundary of the mobile **or manufactured** home park. The area between the
 18 sight-obscuring fence and mobile **or manufactured** home park boundary shall

1 be landscaped. The fence and landscaping plan shall be approved by the
2 planning commission.

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

7 5. In any mobile **or manufactured** home park, no more than 20 percent of the
8 total spaces shall be available to and used by recreational vehicles. Such spaces
9 shall be designed, constructed and maintained under the standards for a
10 recreational vehicle park in this title. Furthermore, all such spaces shall be
11 contiguous in one area of the park.

12 6. Every mobile **or manufactured** home park must have a resident manager. The
13 resident manager shall maintain a permanent residence within the park and shall
14 be either the owner or **his owner's authorized** agent charged for the care and
15 control of the mobile **or manufactured** home park. The owner of the park shall
16 notify the **director planning commission** of the name of the original resident
17 manager and all changes thereto within 14 days after any change takes place.

18 C. Tiny House Developments.

19 1. Tiny houses are allowed in a tiny house development at a density of one tiny
20 house for each 1,200 square feet of land area.

21 2. **Neither tiny houses or tiny Tiny** house developments shall **not** be used as
22 **short-term rentals. vacation rentals.**

23 **SECTION 30.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.080 (*Animals and*
24 *gardens*), is hereby amended as follows:

25 A. Animals. The keeping of small animals, farm animals, domestic fowl, and worms is
26 permitted in all zones as an accessory use to any principal use permitted outright or to a
27 permitted conditional use, in each case subject to the standards of this section.

28 1. Small Animals. Up to three small animals may be kept accessory to each
29 business establishment or dwelling unit on a lot, except as follows:

30 a. In no case is more than one miniature potbelly pig allowed per business
31 establishment or dwelling unit.

32 b. In **residential single-family** zones:

1 **SECTION 31.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.110 (*Accessory*
2 *dwelling unit standards*), is hereby amended as follows:

3 ~~6. **Primary Entrance.** If the accessory dwelling unit's primary entrance is not~~
4 ~~the same as that for the principal dwelling unit it shall be less visible from~~
5 ~~the street view of the principal dwelling unit than the main entrance of the~~
6 ~~principal dwelling unit. If the accessory dwelling unit is accessed via a~~
7 ~~stairway, the stairway may not be constructed on the front of the principal~~
8 ~~dwelling unit.~~

9 ~~7. **Vacation Rental/Short-term Rental.** Neither the accessory dwelling unit nor the~~
10 ~~principal dwelling unit may be used as a short-term rental, vacation rental~~
11 ~~dwelling.~~

12 **SECTION 32.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.120 (*Cottage*
13 *housing developments*), is hereby amended as follows:

14 9. ~~**Short-term Rental, Vacation Rental.**~~ No cottage in a cottage housing
15 development may be used as a short-term rental, vacation rental dwelling.

16 **SECTION 33.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.150 (*Four-flat*
17 *dwellings*), is hereby amended as follows:

18 5. ~~**Short-term Rentals, Vacation Rentals.**~~ Four-flat dwellings shall not be used
19 as short-term rentals vacation rentals in any zone.

20 **SECTION 34.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.180 (*Wireless*
21 *communications facilities*), is hereby amended as follows:

22
23 5. **Co-Location Requests.** Requests to co-locate by placing antennas or other
24 transmission and reception devices on an existing tower, building, or other
25 structure, shall be processed as a Type I procedure, pursuant to LCMC
26 17.76.030 development review request, pursuant to LCMC 17.77.070.
27

28 **SECTION 35.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.200 (*Affordable*
29 *housing*), is hereby amended as follows:

30
31 **E. Affordable housing development established on or after January 1, 2024, is**
32 **exempt from the definition of "planned community" provided in ORS 94.550.**
33

34 **SECTION 36.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.220 (*Emergency*
35 *shelters*), is hereby amended as follows:

36
37 ~~**G. Application must be made prior to July 1, 2023, and approval is void unless the**~~
38 ~~**shelter is operating within two years following the approval.**~~

1
2 **SECTION 37.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.230 (*Residential*
3 *use of commercial lands*), is hereby added as a new section as follows:
4

5 **17.80.230 Residential use of commercial lands.**

6 **A. Notwithstanding an acknowledged comprehensive plan or land use**
7 **regulation within an urban growth boundary, the city shall allow, on lands**
8 **zoned to allow commercial uses and not industrial uses, the siting and**
9 **development of:**

10 **1. Residential structures subject to an affordable housing covenant as**
11 **provided in ORS 456.270 to 456.295 making each unit affordable to a**
12 **household with income less than or equal to 60 percent of the area median**
13 **income as defined in ORS 456.270; or**

14 **2. Mixed-use structures with ground floor commercial units and residential**
15 **units subject to an affordable housing covenant as provided in ORS 456.270**
16 **to 456.295 making the properties affordable to moderate income**
17 **households, as defined in ORS 456.270.**

18
19 **B. The city may only apply those approval standards, conditions, and**
20 **procedures under ORS 197.307, that would be applicable to the residential zone**
21 **of the city that is most comparable in density to the allowed commercial uses.**

22
23 **C. Development under this section does not:**

24 **1. Trigger any requirement that the city consider or update an analysis as**
25 **required by a statewide planning goal relating to economic development.**

26 **2. Apply on lands where the city determines that:**

27 **a) the development on the property cannot be adequately served by water,**
28 **sewer, storm water drainage, or streets, or will not be adequately served at**
29 **the time that development on the lot is complete;**

30 **b) The property contains a slope of 25 percent or greater;**

31 **c) The property is within a 100-year floodplain; or**

32 **d) The development of the property is constrained by land use regulations**
33 **based on statewide land use planning goals relating to:**

34 **i. Natural disasters and hazards; or**

35 **ii. Natural resources, including air, water, land or natural areas, but**
36 **not including open spaces.**

37 **iii. Apply on lands that are vacant or that were added to the urban**
38 **growth boundary within the last 15 years.**

39
40 **SECTION 38. Findings Adopted.** The findings contained in the Whereas Clauses of this
41 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
42 evidence in the whole record of this legislative proceeding are incorporated into this section by
43 reference as if fully set forth herein, and are adopted in support of this legislative action.
44

1 **SECTION 39. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
2 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
3 validity of the remaining sections, subsections, paragraphs and clauses.

4
5 **SECTION 40. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
6 takes effect 30 days after the date of its adoption.

7
8 **SECTION 41. Codification.** Provisions of this Ordinance shall be incorporated in the City of
9 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
10 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
11 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38)
12 need not be codified and the City Recorder is authorized to correct any cross-references and
13 any typographical errors.

14
15 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
16 9.2 of the City of Lincoln City Charter on the 23rd day of October, 2023 (First Reading) and on the
17 23rd day of October, 2023 (Second Reading).

18
19
20 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day of
21 October, 2023.

22
23
24
25 _____
26 SUSAN WAHLKE, MAYOR

27 ATTEST:

28
29 _____
30 JAMIE YOUNG, CITY RECORDER

31
32 APPROVED AS TO FORM:

33
34 _____
35 DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY
36
37

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

Amendment to Title 17, Zoning,) Final Recommendation
regarding housing) 2023-12

NATURE OF THE APPLICATION

An ordinance amending the Lincoln City Municipal Code, Title 17, (Zoning), amending Chapter 17.08 (Definitions), Section 17.08.010 (Definitions); amending Chapter 17.04 General Provisions, Section 17.04.05 (Restriction); amending 17.16 (Single-Unit Residential (R1) Zone), Section 17.16.010 (Purpose), Section 17.16.020 (Permitted Uses), and Section 17.16.040 (Conditional Uses); amending Chapter 17.17 (Single-Unit Residential Roads End (R1RE) Zone), Section 17.17.010 (Purpose) and Section 17.17.020 (Permitted Uses); amending Chapter 17.18 (Vacation Rental (VR) Zone), Section 17.18.020 (Permitted Uses) and Section 17.18.040 (Conditional Uses); amending Chapter 17.20 (Multiple-Unit (RM) Residential Zone), Section 17.20.020 (Permitted Uses); Amending Chapter 17.24 (Professional Campus (PC) Zone), Section 17.24.020 (Uses Permitted); Amending Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.28.010 (Purpose) and Section 17.28.020 (Uses Permitted); amending Chapter 17.29 (Resort Community Commercial (RCC) Zone), Section 17.29.020 (Uses Permitted); amending Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Purpose), Section 17.32.020 (Uses Permitted), Section 17.32.040 Conditional Uses Permitted, and Section 17.32.080 Maximum Building Size; amending Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses) and Section 17.34.040 (Development Standards); amending Chapter 17.36 (Planned Industrial (PI) Zone), Section 17.36.020 (Uses Permitted); amending Chapter 17.40 (Recreation Residential (RR) Zone), Section 17.40.020 Permitted Uses; amending Chapter 17.42 (Park (P) Zone), Section 17.42.020 (Permitted Uses); amending Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.010 (Purpose) and Section 17.45.020 Permitted Uses; amending Chapter 17.50 (Oceanlake Plan (OP) District), Section 17.50.030 (Permitted Uses); amending Chapter 17.80 (Provisions Applying To Special Uses), Section 17.80.040 (Standards For Mobile Home Parks, RV Parks, and Tiny House Developments), Section 17.80.080 (Animals and Gardens), Section 17.80.110 (Accessory Dwelling Unit Standards), Section 17.80.120 (Cottage Housing Developments), Section 17.80.150 (Four-Flat Dwellings); Section 17.80.180 (Wireless Communications Facilities); Section 17.80.200 (Affordable Housing), Section 17.80.220 (Emergency Shelters), and adding a new Section 17.80.230 (Residential Use of Commercial Lands)

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on October 17, 2023, including the staff report, the Planning Commission recommends on a 5-0 vote that the City Council approve the draft language (Exhibit A Findings follow). No written comments were received. No oral testimony was given.

APPROVED THIS 17th day of October, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner, Planning & Community Development Director

EXHIBIT A – FINDINGS FOR FR 2023-13 for ZOA 2023-08

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No city-wide notice was provided as the amendment does not rezone property or remove permitted uses. Notice to DLCD was properly made on September 12, 2023. Notice for the public hearings before the Planning Commission on October 17, 2023, and the City Council on October 23, 2023, were published in the local newspaper on October 3, 2023, and October 10, 2023.

Summary:

Ordinance 2023-26 proposes amending Lincoln City Municipal Code (LCMC) Title 17 to incorporate changes to housing requirements that resulted from the 2023 Oregon Legislative Session. These include: single-room occupancy provisions; addition of prefabricated structure where manufactured homes are allowed; residential use of commercial lands; and removal of the application deadline for emergency shelters. The amendment also fixes single-family dwellings to single-unit dwellings where missed previously, and fixes vacation rental dwellings to short-term rentals in places where missed previously.

Findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received regarding the item.

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
(1) Goal 1: Citizen Involvement

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

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

- (2) Goal 2: Land Use Planning

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

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

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

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

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

(4) Goal 4: Forest Lands

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

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

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

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

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

(6) Goal 6: Air, Water and Land Resources Quality

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

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

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

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

(8) Goal 8: Recreational Needs

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

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

(9) Goal 9: Economic Development

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

The 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.

(10) Goal 10: Housing

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

The amendment directly relates to housing in that the amendment incorporates the changes from the 2023 Oregon Legislative Session pertaining to housing. These include provisions for conversions of commercial buildings to residential use, allowing residential uses on commercial lands, requirements for single-room occupancy, adding the term "prefabricated structure" wherever "manufactured home" is listed as a permitted use, adding "manufactured" to "mobile home park" to read "mobile or manufactured home park", removing design standard for the entrance of an accessory dwelling unit, and removing the time limit permanently for emergency shelter applications. These changes are intended to remove barriers to the providing additional housing. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

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

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

(12) Goal 12: Transportation

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

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

(13) Goal 13: Energy Conservation

"To conserve energy."

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

(14) Goal 14: Urbanization

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

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

(15) Goal 15: Willamette River Greenway

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

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

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and

where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

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

(17) Goal 17: Coastal Shorelands

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

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

(18) Goal 18: Beaches and Dunes

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

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

(19) Goal 19: Ocean Resources

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

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

B. Comprehensive Plan Goals

(1) Planning Goal

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

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

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

The City has developed a citizen involvement program, outlined in Resolution No. 94-33. The City has a Committee for Citizen Involvement (the Planning Commission). In addition, the public hearing process, with two notices to the public through publication in the local newspaper and review of the amendment by the Planning Commission (the Committee for Citizen Involvement/local appointed citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

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

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

(4) Urbanization Goal

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

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

(5) Natural Hazard Goal

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

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

(6) Housing Goal

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

The amendment directly relates to housing in that the amendment incorporates the changes from the 2023 Oregon Legislative Session pertaining to housing. These include provisions for conversions of commercial buildings to residential use, allowing residential uses on commercial lands, requirements for single-room occupancy, adding the term "prefabricated structure" wherever "manufactured home" is listed as a permitted use, adding "manufactured" to "mobile home park" to read "mobile or manufactured home park", removing design standard for the entrance of an accessory dwelling unit, and removing the time limit permanently for emergency shelter applications. These changes are intended to remove barriers to the providing additional housing. The amendment is consistent with this goal.

(7) Economy Goal

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

The 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. Indirectly, by providing more housing opportunities for individuals, this will give businesses more staffing options and allow for an expansion of service days and hours. The amendment is consistent with this goal or is not applicable.

(8) Aesthetic Goal

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

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

(9) Transportation Goal

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

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

(10) Energy Goal

"To conserve energy."

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

(11) Overall Environmental Goal

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

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

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

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

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