

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY OCTOBER 23, 2023 6:00 PM

**6:00 PM** - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone.

Public comments submitted by email to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet.

**\*\*PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org)\*\***

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or [kmattias@lincolncity.org](mailto: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 Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at [www.lincolncity.org](http://www.lincolncity.org) under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit [www.lincolncity.org/government/streaming](http://www.lincolncity.org/government/streaming). This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – October 9, 2023 6:00 PM
2. Dissolve Nelscott Urban Renewal Ad Hoc Committee

**E. COUNCIL DELIBERATIONS**

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**G. PRESENTATIONS**

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Public Hearing for ZOA 2023-05 TSP drive projects
2. Public Hearing for ZOA 2023-06 VRD revisions
3. Public Hearing for ZOA 2023-07 RR height
4. Public Hearing for ZOA 2023-08 Housing
5. Public Hearing: Resolution 2023-27 Supplemental Budget

**J. ORDINANCES**

6. Ordinance 2023-23 for ZOA 2023-05
7. Ordinance 2023-25 for ZOA 2023-07
8. Ordinance 2023-26 for ZOA 2023-08
9. Ordinance 2023-24 for ZOA 2023-06 VRD to STR

**K. RESOLUTIONS**

10. RESOLUTION 2023-27 A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2023-2024, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS
11. RESOLUTION 2023-28 A RESOLUTION AUTHORIZING AND DIRECTING BUDGET TRANSFERS FOR THE CITY OF LINCOLN CITY, OREGON IN THE 2023-2024 FISCAL YEAR BUDGET

**L. SPECIAL ORDER OF BUSINESS**

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

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

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

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

**Q. ADJOURNMENT**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

October 9, 2023, 6:00 PM

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

**APPROVED BY CITY COUNCIL**

**DATE:**

**A. CALL TO ORDER**

*Mayor Wahlke called the meeting to order at 6:00 PM.*

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

*Staff Present: Daphnee Legarza, City Manager; Sgt. Bomar, Lincoln City Police Department; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; Debbie Bridges, Finance Director; Jamie Young, City Recorder.*

**C. PLEDGE OF ALLEGIANCE**

*Mayor Wahlke led The Pledge of Allegiance.*

**D. CONSENT AGENDA**

**MOTION:** Consent Agenda  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed

1. Regular Meeting – Minutes of Regular Meeting – September 25, 2023, 6:00 PM
2. Regular Meeting – Minutes of Work Session – October 2, 2023, 5:00 PM
3. Oregon Liquor Control Commission - Request for Winery- Additional Privilege

**E. COUNCIL DELIBERATIONS**

*None*

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

*Amber Wishoff of My Sister's Place spoke regarding October being Domestic Violence Awareness Month. Mayor Wahlke signed the proclamation.*

**G. PRESENTATIONS**

*None*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

*None*

**J. ORDINANCES**

*None*

**K. RESOLUTIONS**

1. Resolution 2023-26 Electrical and Plumbing Program Assumption

*Anne Marie Skinner, Planning Director presented the resolution. Council and Staff had a discussion.*

**MOTION:** Motion to Approve Resolution 2023-26 Program Assumption  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed via Voice Vote

**L. SPECIAL ORDER OF BUSINESS****2. 2023 Asphalt Repair Package Bid Award**

<b>MOTION:</b>	<b>Motion to Award the Asphalt Repair Package to Road &amp; Driveway in the Amount of \$185,455.09 with a Construction Contingency of \$37,091.00 for a total of \$222,546.09</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

**3. Construction Award for NE 14th St. Sidewalk Ph. 3**

<b>MOTION:</b>	<b>Motion to Award K&amp;E Excavating Construction Contract for NE 14th St. Sidewalk Phase 3 in the Amount of \$989,919 with a Contingency in the Amount of \$98,991.90 for a total of \$1,088,910.90.</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Council and Staff discussed the speed in several areas of town. Mayor Wahlke asked about the fresh survey markers on Highway 101. Ms. Reid explained that there would be a curb ramp that would be replaced by ODOT. Councilor Hoagland asked who would be paying. Ms. Reid said that ODOT would be paying. Council and staff had a discussion.*

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

*Ms. Legarza gave an update on the current events.*

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION, OR PUBLIC COMMENT****4.**

<b>MOTION:</b>	<b>Motion to Approve the Proclamations for Domestic Violence Awareness Month</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>AYES:</b>	Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

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

*None*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Hoagland spoke about the ban on flavored vapes. The Council gave consensus to direct staff to bring the ban on flavored vapes forward to the next meeting. Councilor Hoagland spoke about his tour of Juno in Toledo.*

Councilor Mark spoke about the unlicensed taxis in Lincoln City. Council and Staff had further discussion.

Councilor Casper spoke about her Regional Solid Waste meeting and gave the numbers of the abandoned RV clean-up. Councilor Casper said that the Agate Beach Landfill will be closed very soon. Councilor Casper spoke about future landfill expectations and other clean-up items. The Council discussed proper battery disposal.

Mayor Wahlke spoke about transients from other areas coming into the City. Ms. Legarza said they are looking into it.

5.

<b>MOTION:</b>	<b>Motion to Direct Staff to Bring Back Information on Changing the Speed Limit on West Devils Lake Road</b>
<b>MOVER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**Q. ADJOURNMENT**

Mayor Wahlke adjourned the meeting at 7:04 PM

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

ATTEST:

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

# Council Communication

---

## Dissolve Nelscott Urban Renewal Ad Hoc Committee

Meeting Date: October 23, 2023      Primary Staff Contact: Alison Robertson  
 Department: Economic Development      E-Mail: alisonr@lincolncity.org  
 Secondary Dept:      Secondary Contacts:  
 Approval: Daphnee Legarza      Estimated Time: 0

---

### Objective:

Notify City Council that following the adoption of the Nelscott Urban Renewal (Tax Increment Finance) Plan the Ad-Hoc Nelscott Urban Renewal Committee has completed its purpose and is dissolved.

### Authority:

City of Lincoln City Municipal Code Chapter 2.06.010 states that ad hoc entities shall be formed by resolution of the Council. The Nelscott Advisory Ad-Hoc Committee was formed via Resolution No. 2022-29 (July 25, 2022). Section 3 of the resolution states that "The Committee, shall be ad hoc, and shall terminate upon completion of the task (decision to adopt or reject an urban renewal plan)." Now that the Plan has been adopted, the committee has completed its role and the Committee is officially dissolved.

### Background:

On July 25, 2022, City Council passed resolution 2022-29 forming the Nelscott Advisory Committee to assist in the creation of the Proposed Nelscott Urban Renewal Plan. The committee consisted of 10 members: Mayor, Urban Renewal Chair, Planning Commission Chair, City Manager, Finance Director, Lincoln County Representative, North Lincoln Fire & Rescue Chief and three community members.

The Committee met five times throughout the creation of the Plan. At the last meeting, the committee voted to forward the Plan on for adoption. Following the Ad Hoc Advisory Committee vote, the Planning Commission made a recommendation to approve the Plan (7/17), the County Board of Commissioners adopted the Plan (8/14), and City Council adopted the Plan through a non-emergency ordinance on August 28<sup>th</sup>. The Plan went into effect 30 days later (9/27).

**Council Options:**

Not Applicable.

**Financial Impact**

None.

# Planning Staff Report

---

## Public Hearing for ZOA 2023-05 TSP drive projects

Meeting Date: October 23, 2023	Primary Staff Contact: AnneMarie Skinner
Department: City Council	E-Mail: ASkinner@lincolncity.org
Secondary Dept:	Secondary Contacts: Alison Robertson
Approval:	Estimated Time:

---

### Question:

Should the City Council conduct a public hearing on ZOA 2023-05 (Ordinance 2023-23 *later on this agenda*)?

### Staff Recommendation:

Staff recommends the Council conduct the public hearing.

### Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

- A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.
  1. Application Forms. Legislative applications must be made on forms provided by the department.
  2. Submittal Information. The application shall contain all of the following information:
    - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
      - c. The required fee as adopted by City Council resolution, except when the city initiates the request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
  1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
  2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
    - b. Any affected governmental agency;
    - c. Any person who requests notice in writing; and
    - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in 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.
- H. Recommendation Authority.
  1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's final recommendation, the City Council shall hold a public hearing on the Type IV application.
- I. Notice of Decision.
  1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
  2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
  3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.
- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

**Background:**

The Economic Development and Urban Renewal Director and Public Works Director/City Engineer have requested removal of Driving Project 23 from the Lincoln City Transportation System Plan. The Economic Development and Urban Renewal Director provided the following reasons for the request:

1. Sufficient vehicular connectivity exists. There is an existing connection between SW 51st and SW 50th Streets at SW Ebb Avenue.
2. This connection will add little value to creating a connected grid because roads cannot extend further south due to Siletz Bay or north beyond SW 50th Street due to environmental constraints and existing neighborhood development.
3. SW 51st Street is a dead end to the west and the south where D23 is described. Public improvements include an existing turnaround that allows drivers to loop around and connect north via SW Ebb Avenue.
4. Need for leveraged redevelopment – the west end of SW 51st Street is the terminus of Taft's "feature street" which was conceptualized in the (1999) Taft Community Revitalization Plan as a commercially-active and beach-oriented pedestrian area. The Lincoln City Urban Renewal Agency has invested \$5,000,000 in public right-of-way improvements since 2001, and reduced redevelopment potential resulting from this project (D23) could compromise the commercial viability of the Taft business core along the feature street.
5. Recently pre-development studies further limit buildable area, with the result being insufficient room for a feasible development.

6. Maintaining full redevelopment potential of the property will leverage the past capital investments in the immediate area by the Lincoln City Urban Renewal Agency, Lincoln City, and Oregon Department of Transportation – totaling approximately \$10,000,000.
7. As property owner, the Lincoln City Urban Renewal Agency will work with the selected developer to provide pedestrian access through the site as part of the redevelopment project.

The Public Works Director/City Engineer requests removal of the following driving projects because they are either (or both) not feasible or not needed and removal will allow funds and focus to be allotted to the other driving projects that are needed and feasible: D7 NE Surf extension, D18 SW 20th extension, D22 SW Fleet extension, and D25 SW Keel connection.

A city-wide mailing notifying property owners of the scheduled public hearings for this ordinance amendment was made on August 29, 2023.

The News Guard published notice of the public hearings on September 5, 2023 and September 12, 2023. A request for comments was issued to agencies and department heads on August 11, 2023. No comments were received other than the response by the economic development urban renewal director outlining the reasons for the removal of project D23. The public hearing with Planning Commission was held on September 19, 2023. No one provided written or verbal testimony at the public hearing. Planning Commission unanimously recommended approval of the request to remove the five driving projects from the Lincoln City Transportation System Plan.

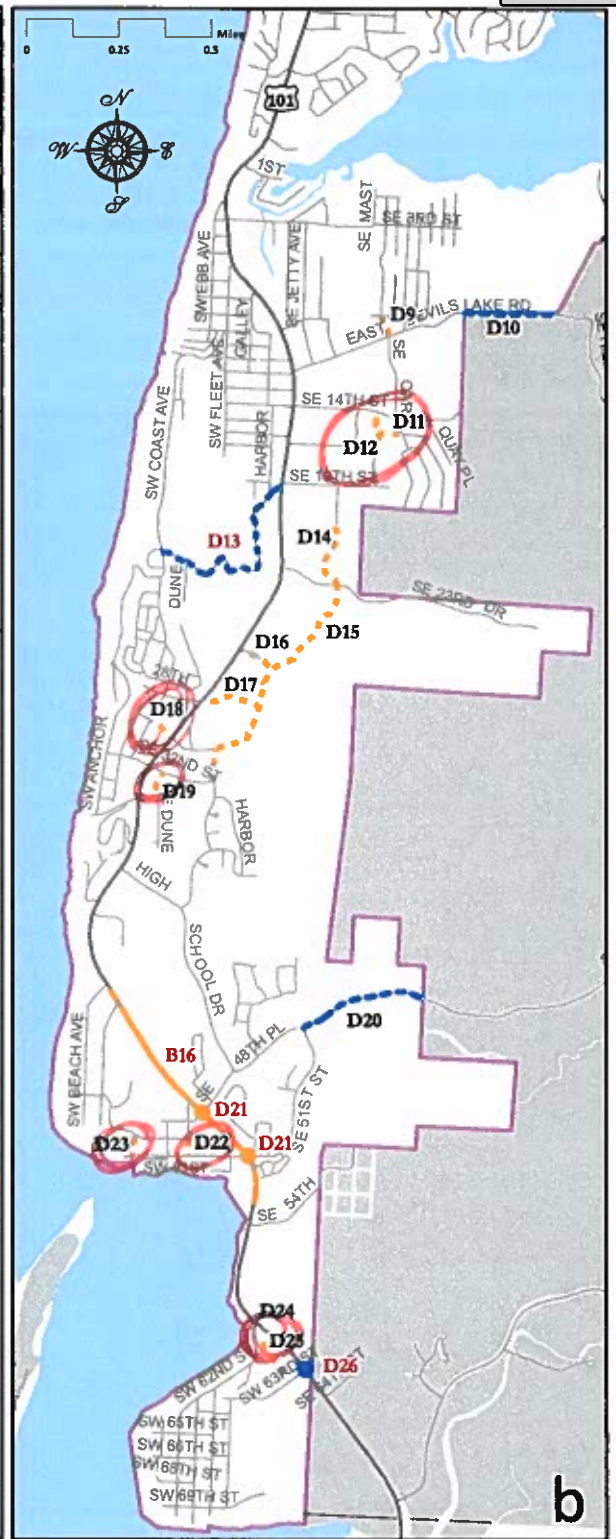
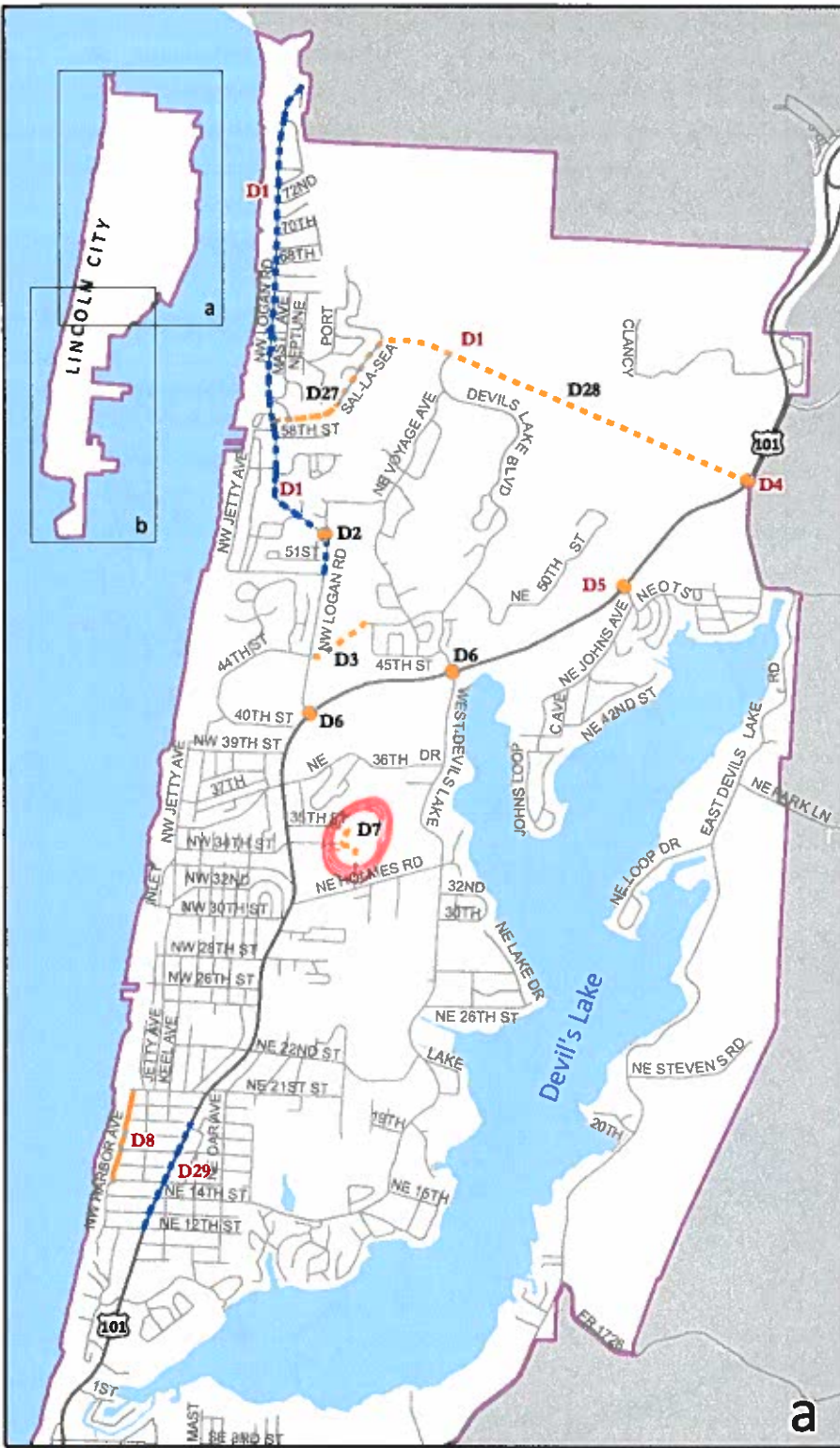
See Ordinance 2023-23 later on this agenda.

### **Council Options:**

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the November 13<sup>th</sup> City Council meeting.

### **Attachments:**

D projects to be removed (PDF)



# 9 Planned Driving Investments

## Lincoln City Transportation System Plan

### Driving Improvements

- Future Study
- Planned Street
- Planned Street Improvement
- Planned Intersection Improvement
- Planned Speed Feedback Sign
- # Project included in the Financially Constrained Plan (Package 1)
- # Project included in the Aspirational Plan (Package 4)
- Urban Growth Boundary

# Planning Staff Report

---

## Public Hearing for ZOA 2023-06 VRD revisions

Meeting Date: October 23, 2023	Primary Staff Contact: AnneMarie Skinner
Department: City Council	E-Mail: ASkinner@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval:	Estimated Time:

---

### Question:

Should the City Council conduct a public hearing on ZOA 2023-06 (Ordinance 2023-24 *later on this agenda*)?

### Staff Recommendation:

Staff recommends the Council conduct the public hearing.

### Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

- A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.
  1. Application Forms. Legislative applications must be made on forms provided by the department.
  2. Submittal Information. The application shall contain all of the following information:
    - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
    - c. The required fee as adopted by City Council resolution, except when the city initiates the request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
  1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
  2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
    - b. Any affected governmental agency;
    - c. Any person who requests notice in writing; and
    - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in 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.
- H. Recommendation Authority.
  1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's final recommendation, the City Council shall hold a public hearing on the Type IV application.
- I. Notice of Decision.
  1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
  2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
  3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.
- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

### **Background:**

This zoning ordinance amendment proposal is the result of a motion made by City Council on April 24, 2023 directing staff to amend the code to reflect the changes discussed in the work session held on April 12, 2023.

### Basic Information:

Unlimited use VRDs (the dwelling may be rented as a vacation rental dwelling for 365 nights per calendar year) are allowed in the following zones:

NBD (Nelscott Business District)  
 NBMU (Nelscott Beachside Mixed Use)  
 TVC (Taft Village Core)  
 OPOF (Oceanlake Oceanfront)  
 OPIM (Oceanlake Interior Mixed Use)  
 OPMSH (Oceanlake Main Street Highway)  
 VR (Vacation Rental)  
 RC (Recreation Commercial)  
 GC (General Commercial)

Limited use as an accessory VRD (the dwelling may be rented as a vacation rental for up to and no more than 30 nights per calendar year) is allowed in the following zones:

R1-5 (Single-Unit Residential 1-5)  
 R1-7.5 (Single-Unit Residential 1-7.5)  
 R1-10 (Single-unit Residential 1-10)

R1RE (Single-unit Residential Roads End)  
 RM (Multiple-unit Residential)  
 RR (Recreation Residential)

Unlimited use (the dwelling may be rented as a vacation rental for 365 nights per year) is allowed in the R1-5 and R1RE zones, but there is a cap to the number of dwellings in the R1-5 and R1RE that are allowed unlimited use.

- Cap in the R1-5 zone is 10% of the lots, which equates to 194 unlimited use VRDs in the R1-5 zone.
- Cap in the R1RE zone is 10% of the lots, which equates to 91 unlimited use VRDs in the R1RE zone

Proposed Modifications:

1. Change "vacation rental dwelling" to "short-term rental unit" and add to the definition the maximum length of a rental period as 30 days or less. These changes provide clarity in the rental period and reduce confusion for people with regards to the term "vacation rental dwelling". The general population understands the term short-term rentals (what our code calls vacation rental dwellings (VRDs)) to be short-term rentals and are confused by our code's reference to them as VRDs. Changing the name to what the general population and most other codes use will help to alleviate any confusion.
2. As a matter of consistency, move the application procedure and processing from 17.80.050 to 17.77 to be consistent with the other land-use applications being located in 17.77.
3. Eliminate accessory use short-term rentals for better code enforcement and reduction in the number of short-term rentals in residential zones.
4. Reflect the 10% cap as the actual number of 194 and 91 in the R1-5 and R1RE zones, respectively. Note that this is not a change in the number or percentage currently allowed.
5. Add reference to Chapter 17.56 for the off-street parking space sizing and surfacing requirements. The code does not state that now, but it is inferred. It is a better code if it's actually stated rather than inferred.
6. Provide additional details on the solid waste receptacle requirement.

Comments from agencies and department heads were requested. No comments were received.

A city-wide mailing notifying property owners of the scheduled public hearings for this ordinance amendment was made on August 29, 2023. The News Guard published notice of the public hearings on September 5, 2023 and September 12, 2023. A request for comment was made to agencies and department heads, and no comments were received.

Written comments were received from several property owners. Those received prior to packet publication are included in the packet. The Planning Commission held a public hearing for this ordinance amendment on September 19, 2023. Verbal testimony was received, mostly in favor of the amendment, with two individuals expressing opposition. The Planning Commission unanimously recommended approval of the proposed changes.

See Ordinance 2023-24 later on this agenda.

### **Council Options:**

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the November 13<sup>th</sup> City Council meeting.

### **Attachments:**

Comment Chapagain (PDF)  
 Comment Guido (PDF)  
 Comment Knipe (PDF)  
 Comment Kroen (PDF)  
 Comment Loch (PDF)  
 Comment Lowery (PDF)  
 Comment Mergentime Elaine (PDF)  
 Comment Mergentime Ken(PDF)  
 Comment Smith (PDF)  
 Comment Thornhill (PDF)  
 Comment Thorson (PDF)  
 Public Hearing Sign In\_Redacted (PDF)  
 Written Letter Crane(PDF)  
 Comment Walsh (PDF)

**From:** [Jessica Chapagain](#)  
**To:** [Planning](#)  
**Subject:** Removal of Accessory Use  
**Date:** Monday, September 18, 2023 7:00:18 PM

---

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

Dear Planning Commission member,

I would like to voice my support for removing Accessory Use as a permitted use of property in Lincoln City.

I am a new resident of Lincoln City and definitely see how continued increase of nightly rentals impacts quality of life in our neighborhoods. The fact that there is little enforcement for licensed and regulated STR units is one thing, but the Accessory Use license (or more often, actually, lack of license) creates additional strain on our neighborhoods and resources. I appreciate your thoughtful consideration of this issue and your efforts to create a balance of residents and renters.

Jessica Chapagain



**From:** [Annette Guido](#)  
**To:** [Planning](#); [Anne Marie Skinner](#); [Andrea Riner](#)  
**Cc:** [Annette Guido](#)  
**Subject:** Comment on ZOA 2023-06  
**Date:** Tuesday, September 19, 2023 9:34:51 AM

---

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

Hi Anne Marie,

Please include this in info for the Planning Commission:

I am writing in support of ZOA 2023-06 especially the provision to eliminate Accessory Use STRs as an approved use.

Please refer to the letter you received from Janet Knipe (REIA President) on behalf of the Roads End Improvement Association. As she notes, we understand that opinions about STRs vary. We sought input from members about Accessory use STRs. There was very strong approval from members for stopping further licensing for Accessory STRs.

It is not surprising that there is concern amongst many residents and owners of property in residential areas about Short Term Rentals. This commercial use is out of place in a neighborhood zoned residential. Our current Comp Plan specifies this about Zones:

“Through the application of various zoning districts, such as Single Family Residential, Commercial or Flood Plain, only certain land uses and development densities and intensities are permitted so a community may develop in an orderly and efficient manner in accord with the comprehensive plan.”

We have zones with certain characteristics to maintain such an order. Simply put significant commercial activity does not belong in a neighborhood.

The short-term rental industry has changed drastically in recent years

as individuals and investors (unlimited and accessory) now use online outreach and platforms to draw a much larger audience. The resulting problems like noise, traffic, garbage and over occupancy have become worse. Accessory use STRs are being promoted by local management companies. This is clearly commercialization in a residential zone.

Per the Lincoln City Municipal Code

*17.77.139 Text Amendment*

*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 affect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.*

We hear neighbors and Lincoln City residents say that because Accessory Use properties are increasing in residential zones, their neighborhood conditions have changed. We believe ZOA-2023-06 meets both the criteria for a text amendment as stated in 17.77.139 and continues to be in alignment with the current Comprehensive Plan.

Please support the Planning Department proposal to remove new Accessory STRs as an approved use and recommend the amendment as written to the City Council.

Annette Guido



**From:** [Janet Knipe](#)  
**To:** [Planning](#)  
**Cc:** [Anne Marie Skinner](#); [Robert I. Vincent](#); [Marcella Baker](#); [Kim Blackerby](#); [Brian Bunnnett](#); [Clay Glasgow](#); [Jason Corso](#); [Mellissa Sumner](#)  
**Subject:** ZOA 2023-06 VRD to STR - SUPPORT  
**Date:** Saturday, September 16, 2023 6:20:04 PM

---

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

I am writing on behalf of the Roads End Improvement Association (REIA) to encourage the Planning Commission to support the Planning Director's recommendation to approve ZOA 2023-06 and eliminate Accessory Use Short-Term Rentals as an approved use. This is one section of a broader text amendment that includes several other items. REIA is in support of all sections, but our main concern is with the Accessory Use Short-Term Rental portion because it is of great importance to the neighborhood.

REIA understands that there are varying opinions on this issue, so we solicited input from members in two ways: 1) an online survey and 2) a poll taken at our recent membership meeting. Survey results show that approximately 80% of survey respondents are in favor of curtailing Accessory Use throughout the city. And at a recent membership meeting 96% of attendees voted similarly on the issue.

There are two primary reasons for our recommendation. Currently in Roads End 174 licensed dwellings are permitted to rent for an unlimited number of nights per year. That number far exceeds the current 91 dwelling cap for Roads End and can only be reduced through attrition of licenses. It will take many more years to reach the cap.

Since many neighborhoods in Lincoln City are at, or have exceeded, the cap for unlimited rental nights in those areas, there has been a citywide increase in Accessory Use licenses. According to the Planning Department staff report, the proposed text amendment would "eliminate accessory use short-term rentals for better code enforcement and reduction in the number of short-term rentals in residential zones". REIA supports this position because we have observed:

- Accessory Use is **difficult or impossible to monitor** because there is no way of knowing whether the rentals adhere to the 30-day limit.
- Accessory Use **adds to the overall number of rentals**, despite the caps that are in place.
- Accessory Use Short-Term Rentals **could decrease the availability of long-term rentals for residents.**

Further support for stopping the expansion of new accessory use licenses can be found in the text amendment provision of the Lincoln City municipal code as follows:

17.77.139 Text Amendment

*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 affect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

It is our strong belief that community conditions, needs and desires as they relate to Accessory Use Short-Term Rentals have changed with the proliferation of these licenses that are not counted under the cap, thereby rendering it meaningless. In fact, we would like to see the Planning Department take the additional step of proposing a moratorium on new Accessory Use licenses until such time as the City Council has made its final decision on this matter and it has taken effect.

We urge the Planning Commission to support the recommendation of the Planning Department on ZOA 2023-06 for the reasons stated above.

Thank you for your consideration.

--

Janet Knipe

**From:** [Patti Kroen](#)  
**To:** [Anne Marie Skinner](#)  
**Subject:** ZOA 2023-06  
**Date:** Tuesday, September 19, 2023 2:07:22 PM

---

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

September 19, 2023

To: Director Skinner; Members of the Planning Commission: Chair Vincent, Commissioners Baker, Blackerby, Bunnett, Corso, Glasgow and Sumner.

RE: ZOA 2023-06

I support the Planning Director's recommendation to **eliminate** Accessory Use Short-Term Rentals as an approved use. The activity is not enforceable and further taxes neighborhoods where unrestricted vacation rental levels are currently well above the established cap. Roads End currently includes 174 VRDs licensed to operate 365 days a year. It is unknown how many 30-day accessory use STRs exist in the neighborhood but with the cap for Roads End at 91, there are likely double the number than considered appropriate for the neighborhood.

While short term vacation rentals have provided economic benefits to the city, they have also fundamentally changed the character of neighborhoods. It is appropriate for the Planning Commission and the City Council to pause and evaluate both the benefits and the impacts associated with these permits, including any potential changes warranted in the licensing/permitting process and requirements. During this review, the city could consider a moratorium on further approvals.

Thank you for your consideration.

Patti Kroen

--  
Do not mistake activity for achievement.  
John Wooden

**From:** [Shannon Loch](#)  
**To:** [Planning](#)  
**Subject:** Public on Accessory Use  
**Date:** Monday, September 18, 2023 2:11:15 PM

---

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

Mayor and commissioners,

I urge you to end accessory use in Lincoln city today. In our Roads End neighborhood, the number of accessory used dwellings has only increased the nightly rentals. In regulating short term rentals, the goal was for the number to be reduced overtime. Yet accessory use has increased nightly rentals.

The process for tracking accessory use lacks transparency. It is unclear how the number of nights is being recorded. This has created a perception that accessory use dwellings are being rented more than 30 nights a year.

For some time, there's been a great need in our community for long-term rentals to house doctors, nurses, teachers and other employees that are essential to a thriving community. Lincoln City is lacking in long term rentals and we don't have enough housing to maintain our workforce.

Over the last year, Merideth Lodging has bombarded me with monthly offers to rent my home for accessory use. It must be extremely lucrative for Merideth, as the adverts keep coming, offering cash bonuses for signing up for accessory use. Many newly built homes have become accessory use dwellings. So the lodging industry has figured out how to grow their business by increasing nightly rentals at the expense of the best interests of our town.

Today, I ask you to take action to end assessors use. The unintended consequences are a bigger and bigger detriment to our community as the numbers continue to grow.

Shannon Loch



Sent from my iPhone

**From:** [Mel and Arianne Lowery](#)  
**To:** [Planning](#); [Anne Marie Skinner](#); [Kim Blackerby](#); [Brian Bunnett](#); [Robert I. Vincent](#); [Mellissa Sumner](#); [Marcella Baker](#); [Clay Glasgow](#); [Jason Corso](#)  
**Subject:** ZOA 2023-06  
**Date:** Monday, September 18, 2023 4:09:44 PM

---

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

Hello,

We are writing to OPPOSE the removal of Short-Term Accessory Use license. This is affecting such a small percentage of homeowners with such a small number of days that would be impacted for a maximum of 30 days out of the year, why remove the option for those that do not plan or want to have Unlimited VRD. At least with this variance in place, it allows for those who choose to allow family/friends to come stay at their vacation homes for no more than 30 days out of the year to do so lawfully under the current guidelines set forth. If you have applied and paid for a license to do so, it IS being monitored. Those that we see using third party rental companies, they ARE being monitored so they abide by the 30 day limit. For those that are not abiding are going to do so whether this license is in place or not. We think it is wrong to penalize those that want to have this option, by eliminating it altogether.

The concern about this impacting long term rental residents doesn't make sense. A homeowner who would be interested in the Short Term Accessory Use is not going to be the same type of homeowner that will be wanting to rent long term, so it is not eliminating the possibility of a long term rental home. The purpose of a long term rental is to generate long term income for the homeowner. A 30 day limit per year for short term use, is not a money maker for the homeowner. There are plenty of vacant long term rental properties available at the moment and more new construction being built.

We hope you will retain this land use licensing and keep it as it is to allow opportunities for current and future homeowners in a high tourist area so the city can continue to generate revenue from the travelers.

Thank you,

Mel and Arianne Lowery



**From:** [Eileen Mergentime](#)  
**To:** [Anne Marie Skinner](#)  
**Subject:** ZOA 2023-06 Support  
**Date:** Saturday, September 16, 2023 3:03:21 PM

---

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

Hi,

Please support the Planning Director's recommendation to approve ZOA 2023-06 and eliminate Accessory Use Short-Term Rentals.

As a full time resident of Roads End we already have way too many rentals.

Thanks, Eileen Mergentime

**From:** [Mergentime](#)  
**To:** [Anne Marie Skinner](#); [Kim Blackerby](#); [Brian Bunnett](#); [Robert I. Vincent](#); [Mellissa Sumner](#); [Marcella Baker](#); [Clay Glasgow](#); [Jason Corso](#)  
**Subject:** ZOA 2023-06 - Public Comment  
**Date:** Saturday, September 16, 2023 3:22:45 PM

---

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

September 16, 2023

**TO:** Anne Marie Skinner, Director, Planning and Community Development Department; Members of the Planning Commission: Chair Vincent, Baker, Blackerby, Bunnett, Corso, Glasgow and Sumner.

**RE:** ZOA 2023-06 VRD to STR - SUPPORT

I am writing in support of the Planning Director's recommendation to approve ZOA 2023-06, a proposal that would (among other things) eliminate Accessory Use Short-Term Rentals as an approved use in Lincoln City.

This is a wise course to take since there has been (in my opinion) an explosion of Accessory Use Short-Term Rental license applications granted in my neighborhood (Roads End), and since "accessory use" rentals are not counted under normal VRD licensing restrictions, the number of rentals in my area is skyrocketing out of control. Unscrupulous property rental companies are encouraging property owners in Lincoln City to apply for an accessory use license as a way to get around the cap set on the number of rental units in any given neighborhood.

In addition to an increasing rental density, the Accessory Use license itself is impossible to monitor to ensure adherence to the 30-day limit for Accessory Use Short-Term Rentals.

Rental unit caps are already in place, but my Roads End neighborhood is already well over its cap of 91 units (I think there are currently more than 170 rentals here). We can't expect to achieve that cap goal if we keep adding allowable rentals into the area.

I urge the Planning Commission to support the recommendation of the Planning Department on ZOA 2023-06.

Thank you for your consideration.

Kenneth Mergentime



**From:** [Russ Smith](#)  
**To:** [Planning](#); [Anne Marie Skinner](#)  
**Cc:** [Russ Smith](#)  
**Subject:** ZOA 2023-06 Short-term rentals  
**Date:** Monday, September 18, 2023 1:47:13 PM

---

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

Dear Planning Commissioners and Directors:

I am writing in general support of the planning staff's proposal for the process for applications for short-term rentals, in particular with regard to stopping the expansion of short-term rentals.

However, I would like to make a point about the context.

Specifically, that the phenomenon of the short-term rental as a business proposition began years before annexation. My understanding is that the whole of Roads End was zoned R-1. Our local RE leaders asked the county to enforce the law--i.e. the R-1 zoning--but they would not.

The R1-RE zoning came as a compromise followed by a new generation of VRDs. And now 30-day STRs--which have turned out to be difficult to manage.

Sincerely,  
Russ Smith



**From:** [Ron Thornhill](#)  
**To:** [Planning](#); [Anne Marie Skinner](#); [Kim Blackerby](#); [Brian Bunnett](#); [Robert I. Vincent](#); [Mellissa Sumner](#); [Marcella Baker](#); [Clay Glasgow](#); [Jason Corso](#); [Maddie](#)  
**Subject:** Short Term Rental Lic.  
**Date:** Wednesday, September 20, 2023 8:45:55 AM

---

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

I have had a home in Roads End for more than 20 years. I Have 1 Long term rental. I have never rented my property short term. I do not necessarily Like the short term rentals and they are all around me. BUT I cannot understand Why you would Knowingly Take away My rights to do so if I needed or wanted to! Especially when you Admit its because you don't have that Power to control them. Your note did not address any other issues than power to control. Find another way. There are many communities who bring in money through short term rentals. The honest strait forward people who use like air bnb pay for a service and cleaning people, above board, providing jobs ,income,and paying taxes, out and open. Your looking to drive it underground. Figure out some good compromising rules and pay for enforcement through income. Focus on the rampant speeding in the community roads instead maybe. Even use the funding to pay for an extra traffic officer to help. Squeezing our rights is just a fact of life. Eliminating wholly what I do with my home less than 8% of the time, is government interference. And No I'm not a big conspiracy Jerk. You are going to limit or punish people who have not done anything wrong. This may be the easy way but is it the right way.

If you have a existing license, and no new ones will be issued, it is a conflict of interest and you should be allowed to speak but not to vote. Do you have a VR compliance Officer? [REDACTED]

Sent from my iPad

**From:** [Linda Thorson](#)  
**To:** [Anne Marie Skinner](#)  
**Subject:** ZOA 2023-06 Planning Commission Hearing September 19, 2023  
**Date:** Tuesday, September 19, 2023 3:51:10 PM

---

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

Director Skinner

I am writing to you to express our support for the proposed text amendment by the Planning Department that would remove accessory use rental licenses under 17.80.050 (short term rentals) as an allowed use in all residential zones in Lincoln City.

Both my wife and I, as full time residents living at [REDACTED], appreciate the support of both the REIA and the Planning Dept. for this very important text amendment . Its approval will be very important for the quality of life for both the residents of Roads End and the many tourists visiting our city.

Thank you.  
Bruce and Linda Thorson.

Sent from my iPhone

SEPTEMBER 19, 2023

# PUBLIC HEARING FOR: ZOA 2023-06 VRD REVISIONS

Planning and Community Development will notify citizens who address the Planning Commission. Therefore, it is vital that the following information be provided accurately and completely. Also, when speaking to the Commission, for the record, please state your full name, but not your mailing address. THANK YOU.

## HEARING SIGN-UP SHEET

Please Indicate  
Your Position with a ✓

Name	Mailing Address/City, State ZIP	IN FAVOR	NEUTRAL	OPPOSED
1. Miranda Garrison	92 Log Cabin St			✓
2. Julia Parks	541 Picture Pl Independence, OR 97351			✓
<del>Brian Harper</del>	<del>1100 W CITY OR 97367</del>			
3. ✓ ROBERT THOMAS	2216 S.W. BARD RD 97367			
4. ✓ Megan Young	L. CITY	✓		<del>✓</del>
5. ✓ Elaine Walsh	L. City	✓		<del>✓</del>
6. ✓ David Janieson	L. CITY	✓		<del>✓</del>
7. Dawn Donato	L.C.			

To The Lincoln City Planning Commission,

My name is Elizabeth Crane, and we own a property at [REDACTED] in the Roads End neighborhood of Lincoln City. I am greatly concerned about the number of rental properties surrounding our property. Recently, the house next to ours was bought. We noticed a large, noisy group of people on the deck. That prompted me to research whether this property is being commercially rented. I contacted the Lincoln City Planning Department, and they confirmed that the property had applied for the accessory use permit which was approved. The property is displaying a commercial VRD rental company placard, meaning the owners are making the property available commercially, beyond friends and family.

Our property already has three VRDs within audible distance of our home. Adding this fourth property to the commercially available rentals in our neighborhood deeply impacts our experience of our home. We bought our home in 2001 because it was a quiet neighborhood we wanted to retire in. The character of the neighborhood has changed over the years and is more of a commercial vacation rental zone than a neighborhood these days.

It is my belief that the accessory use permit is intended as a means for property owners to rent their homes to family and friends to offset maintenance or tax costs, not as an ongoing income or profit stream. I asked the planning staff who was monitoring the thirty-day max per year, and was given a broad, non-specific answer.

I urge the Lincoln City Planning Commission and the City of Lincoln City to put a moratorium on 30-day accessory use permits, review the status of the currently issued permits and establish a system of rules and monitoring to ensure neighborhoods continue to be positive, welcoming places for residents and our visitors.

I am totally open to property owners being able to rent their homes to **family and friends** for 30 days maximum per year to offset costs. I am not open to using the accessory use permit system commercially as a work around to the current moratorium on VRD licenses in Roads End. We are already way over the concentration of VRD licenses in Roads End. In my experience, **it is large gatherings of people without ties to the neighborhood** that create the disrespectful and intrusive behaviors Roads End residents experience regularly.

I urge you to establish a moratorium on 30-day accessory use permits until the city, in partnership with the neighborhoods can establish a monitoring system.

Thank you for your consideration and action.

Elizabeth Crane  
[REDACTED]

L.C. PLANNING COMMISSION: TESTIMONY IN SUPPORT OF CITY ZOA 2023-06 VRD TO STR(9-19-23)

MY NAME IS ELAINE WALSH.

I AM HERE THIS EVENING TO SUPPORT THE PLANNING DEPARTMENT'S ZOA 2023-06 VRD REVISIONS.

IN 2017 AFTER 5 YEARS OF COLLABORATIVE DELIBERATION WITH THE CITY, THE CITY COUNCIL ESTABLISHED A CAP ON THE NUMBER OF UNLIMITED SHORT-TERM RENTALS IN ROADS END AT 90, OR 10% OF THE NUMBER OF LOTS

CURRENTLY 17 ROADS END DWELLINGS CAN RENT FOR UNLIMITED NUMBER OF NIGHTS PER YEAR. THAT NUMBER CAN ONLY BE REDUCED TO GET TO THE CAP THROUGH ATTRITION. IT WILL TAKE MANY MORE YEARS TO REACH THE CAP.

THERE ARE CURRENTLY AN ADDITIONAL 11 ACCESSORY USE SHORT TERM RENTALS IN ROADS END. NOTE THAT THEY ARE NOT COUNTED UNDER THE 10% CAP.

SINCE OUR NEIGHBORHOOD AND NEIGHBORHOODS IN LINCOLN CITY ARE AT, OR HAVE EXCEEDED, THE CAP FOR UNLIMITED RENTAL NIGHTS, THERE HAS BEEN AN INCREASE IN ACCESSORY USE LICENSES. THE CITY, MANY REIA MEMBERS AND OTHERS I HAVE SPOKEN WITH IN THE CITY HAVE INDICATED THAT:

- A) ACCESSORY USE IS DIFFICULT OR IMPOSSIBLE TO MONITOR AS THERE IS NO WAY OF KNOWING WHETHER THE RENTALS ADHERE TO THE 30 DAY LIMIT.
- B) ACCESSORY USE ADDS TO THE OVERALL NUMBER OF RENTALS, ESPECIALLY IF OWNERS EXCEED THE 30 DAY LIMIT.
- C) THE 10% CAP SHOULD INCLUDED ALL TYPES OF SHORT-TERM RENTALS

BECAUSE OF THESE CONCERNS THROUGHOUT THE CITY, I SUPPORT THE PLANNING DEPARTMENT'S PROPOSAL TO "REMOVE ACCESSORY USE AS AN ALLOWED USE IN ALL RESIDENTIAL ZONES."

THANK YOU!

# Planning Staff Report

---

## Public Hearing for ZOA 2023-07 RR height

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

---

### Question:

Should the City Council conduct a public hearing on ZOA 2023-07 (Ordinance 2023-25 *later on this agenda*)?

### Staff Recommendation:

Staff recommends the Council conduct the public hearing.

### Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

- A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.
  1. Application Forms. Legislative applications must be made on forms provided by the department.
  2. Submittal Information. The application shall contain all of the following information:
    - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
  - c. The required fee as adopted by City Council resolution, except when the city initiates the request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
  - 1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
  - 2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
    - b. Any affected governmental agency;
    - c. Any person who requests notice in writing; and
    - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in 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.
- H. Recommendation Authority.
  - 1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's final recommendation, the City Council shall hold a public hearing on the Type IV application.
- I. Notice of Decision.
  1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
  2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
  3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.
- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

### **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.

Notice to DLCD 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 3<sup>rd</sup>) and the City Council on October 23, 2023, were published in the local newspaper on September 19, 2023, and September 26, 2023.

See Ordinance 2023-25 later on this agenda

### **Council Options:**

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the November 13<sup>th</sup> City Council meeting.

## Council Communication

---

### Public Hearing: Resolution 2023-27 Supplemental Budget

Meeting Date:	October 23, 2023	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

---

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

Notice has been made as required.

For further information see staff memo under Resolution 2023-27.

# Planning Staff Report

---

## Public Hearing for ZOA 2023-08 Housing

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

---

### Question:

Should the City Council conduct a public hearing on ZOA 2023-08 (Ordinance 2023-26 *later on this agenda*)?

### Staff Recommendation:

Staff recommends the Council conduct the public hearing.

### Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

- A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
- B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
- C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
- D. Application Requirements.
  1. Application Forms. Legislative applications must be made on forms provided by the department.
  2. Submittal Information. The application shall contain all of the following information:
    - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
      - c. The required fee as adopted by City Council resolution, except when the city initiates the request.
- E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
  1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
  2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
    - b. Any affected governmental agency;
    - c. Any person who requests notice in writing; and
    - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.
- G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in 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.
- H. Recommendation Authority.
  1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the Planning Commission's final recommendation, the City Council shall hold a public hearing on the Type IV application.
- I. Notice of Decision.
  1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council.
  2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
  3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.
- J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

### **Background:**

The Oregon Legislature passed legislation in the 2023 long session related to state land use statutes or the land use programs administered by the Department of Land Conservation and Development (DLCD). Oregon Law (ORS 197.646) requires that "a local government shall amend its acknowledged comprehensive plan, regional framework plan, and land use regulations implementing the plan, by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with ... a new statutory requirement." Furthermore, this statute requires that, "when a local government does not adopt amendments to a comprehensive plan, a regional framework plan and land use regulations implementing the plan as required by ... this section, the new statutory ... requirements apply directly to the local government's land use decisions."

ZOA 2023-08 incorporates the 2023 statutory requirements into Title 17.

See Ordinance 2023-26 later on this agenda.

### **Council Options:**

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the November 13<sup>th</sup> City Council meeting.

**Attachments:**

2023\_Land\_Use\_Legislation\_Report (PDF)



# Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

August 25, 2023

TO: Interested Persons, Local Governments and State Agencies

FROM: Palmer Mason, Senior Policy Advisor  
Alexis Biddle, Legislative and Policy Coordinator  
Department of Land Conservation and Development



SUBJECT: 2023 Land-Use Legislation Report

## 2023 LAND USE LEGISLATION REPORT

### INTRODUCTION

The attached report describes legislation passed in the 2023 long session by the Oregon Legislature related to state land use statutes or the land use programs administered by the Department of Land Conservation and Development (DLCD). This report is also published on the DLCD website under "Legislative Information" at: <https://www.oregon.gov/lcd/NN/Pages/Legislative-Updates.aspx>.

This report provides a summary of each legislative measure but does not provide a comprehensive breakdown of each bill. Therefore, we recommend that this report be used primarily as a reference to legislation that may be of interest, and that readers refer to the bills directly for a full picture of legislative intent and law.

This report includes hyperlinks to the Oregon Legislative Information System (OLIS) page for each bill. From those pages, readers can find the engrossed versions of bills and access to legislative history and testimony.

State law requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans<sup>1</sup>. Application of these statutory changes to specific plans and codes should be determined by local planning and legal staff.

<sup>1</sup> Oregon Law (ORS 197.646) requires that "a local government shall amend its acknowledged comprehensive plan, regional framework plan, and land use regulations implementing the plan, by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with ... a new statutory requirement." Furthermore, this statute requires that, "when a local government does not adopt amendments to a comprehensive plan, a regional framework plan and land use regulations implementing the plan as required by ... this section, the new statutory ... requirements apply directly to the local government's land use decisions."

## I. HOUSING

### HB 2001 – Oregon Housing Needs Analysis

**Chief Sponsors:** Rep. Dexter, Rep. Helfrich, Sen. Jama, and Sen. Anderson

**Summary:** HB 2001 updates the statutory framework implementing Goal 10 to emphasize a measurable and accountable approach to housing production that provides needed units at all levels of affordability, promotes a greater range of housing options and types, and affirmatively furthers fair housing. Among its major provisions, this legislation includes the following:

#### *Housing Need Methodology & Housing Production Targets*

- Establishes the Oregon Housing Needs Analysis (OHNA) methodology within the Department of Administrative Services to project the statewide 20-year housing need, to allocate the proportional share of need to individual cities and counties, and to identify housing production targets for each city over 10,000 and unincorporated urban areas of the Metro counties no later than January 1, 2025.
- Requires the 20-year allocation of housing need to include the following:
  - Population and household growth;
  - Current housing underproduction;
  - Housing needed for people experiencing homelessness; and
  - Housing units projected to be converted into second and vacation homes.
- Requires the OHNA methodology to report housing needs using the following household income levels:
  - Below 30% Median Family Income (MFI);
  - 30% to 60% MFI;
  - 60% to 80% MFI;
  - 80% to 120% MFI; and
  - Above 120% MFI.

#### *Housing Production Dashboard*

- Requires OHCS to publish no later than January 1, 2025, a housing production dashboard with assessments of the progress made by cities above 10,000 population on housing production targets.

### Equity Analysis

- Requires OHCS to maintain a comprehensive statewide equity analysis, based on best available data, to provide baseline analysis that local jurisdictions must complete as part of a Housing Production Strategy to track equity-related housing outcomes.

### Urbanization

- Outlines a set of clear principles that LCDC must follow in adopting or implementing housing rules that focus on making housing accessible and affordable, emphasize production and support to local governments, emphasize equitable outcomes and environmental justice, and avoid litigation or regulatory uncertainty.
- Directs LCDC to adopt rules that focus on providing flexibility and certainty in local compliance with Goals 10 and 14. Rules relating to housing production strategies and housing accountability are due on or before January 1, 2025, and rules relating to buildable land inventories and UGB amendments, land exchanges, and urban reserves on or before January 1, 2026.
- Allows LCDC to postpone the application of HB 2001 to cities currently adopting changes and updates under Goal 10 until January 1, 2026.
  - *Note: This was amended to January 1, 2027 in HB 2889.*
- Requires cities to identify “development ready lands” as part of their buildable land inventories, focused on areas annexed and zoned to allow housing with clear and objective standards, readily served with public facilities or near-term improvements identified in the adopted capital improvement plan.
- Modifies the “Needed Housing” statute to reflect OHNA estimates and allocations. Cities will determine the type, characteristics, and locations of housing based on the allocation of housing need by DAS. Metro will estimate and allocate housing need to cities and urban, unincorporated areas within the Metro region.
  - *Note: HB 2889 shifted the allocation responsibility in the Metro region from Metro to DAS. This allocation will be based on the needs projection developed by Metro as part of the Growth Management Decision. Additionally, the OHNA policy estimates and allocates housing need for urban, unincorporated areas within the Metro with the expectation that policy recommendations for Goal 10 implementation will be developed for the 2024 Session.*

### Housing Accountability

- Establishes a framework for DLCD to periodically evaluate housing production progress and refers underperforming cities to a housing acceleration program, effective January 1, 2025. Require DLCD to evaluate city progress and performance on production, affordability, and choice, and for cities that are underperforming, not completing HPS requirements by the deadline, or referred by an enforcement order, refer into the housing acceleration program.
- Expands the conditions under which LCDC may pursue an enforcement order and the types of actions that LCDC may compel from cities relating to the housing acceleration program, housing production strategies and local housing approvals.

*Housing Production Strategies*

- Establishes a clear state goal for housing production strategies of providing to further “housing choice for all”, ‘affirmatively furthering fair housing’. and fair and equitable housing outcomes
- Clarifies the types of actions that increase housing production, affordability, and choice, including ‘efficiency measures’ which were historically part of the buildable lands statute.
- Establishes a Housing Coordination Strategy required for Metro and optional for other regional/county entities, recognizing the coordinating role that regional governments play in housing planning and outlining the actions and tools that could be included in such strategies.

*Population Forecasts*

- Amends the population forecast statutes to require the Population Research Center and Metro to include race, ethnicity and disability in their projections. Further requires the Population Research Center to include tribal lands in its projections.

*Requires complex rulemaking and a rules advisory committee.*

**Status:** Signed by Governor March 29, 2023

**Effective Date:** Upon passage

**HB 3395 – Housing Omnibus Bill**

**Chief Sponsors:** Speaker Rayfield, Rep. Dexter, Rep. Gomberg, and Sen. Jama

**Summary:** HB 3395 sets forth numerous policy changes related to residential development:

- Requires non-Metro cities between 2,500 – 10,000 residents to adopt ordinances allowing duplexes on any lot zoned for residential use that allows single family detached housing by June 30, 2025. DLCD will receive \$1.25m to provide grant assistance for those cities to update their local development codes.
- In areas within UGB boundaries and zoned for commercial use, directs local governments to allow housing units available to those households making 60% of area median income, or allow mixed use structures with ground floor commercial for those households with moderate incomes as defined in ORS 456.270 (80-120% AMI). This provision takes effect as of January 1, 2024.
- Provides local governments flexibility on their required timelines for final action on an application for a permit, limited land use decision or zone change. Specifically, when a local government tentatively approves an application for the development of a residential structure within an urban growth boundary, they may extend the deadline (150 days for

counties, 120 days for cities) by up to seven days to ensure sufficiency of the final order. Additionally, it provides local and state government agencies the ability to withdraw final decisions for reconsideration on appeal for an application relating to the development of a residential structure. Collectively, these provisions are intended to reduce appeals that can substantially delay the development of housing by providing local governments more time and ability to address issues before they are appealed. These provisions take effect as of January 1, 2024.

- Makes permanent the requirement that local governments approve emergency shelters subject to certain conditions and operated by a local government, non-profit, religious corporation, or housing authority located on any property within the UGB or on rural residential lands. This provision does not apply when the point-in-time count indicates that homelessness comprises less than 0.18% of the total state population.
- Awards attorney fees to any local government or intervening applicant that prevails on the appeal of the local approval of an emergency shelter, and to any applicant that prevails on the appeal of a local denial.
- Exempts development established on or after January 1, 2024, in which each residential unit is subject to an affordability restriction, owned by a public benefit corporation or owned by a religious corporation from the definition of “planned community” provided in ORS 94.550. This provision takes effect as of January 1, 2024.
- Precludes local governments from reviewing and approving condominium plats, and prohibits any zoning, subdivision, building code or other regulation that imposes a tax or fee, approval process or permitting requirements upon any development or property proposed as condominium not also imposed on a different form of ownership. This provision takes effect as of January 1, 2024.
- Directs that cities and counties to accept as assurance for the provision of water and sewer services one or more award letters from public funding sources made to a person subdividing a property for affordable housing if the value of the award letters exceeds the total project cost. This provision takes effect as of January 1, 2024.
- Requires local governments to approve Single Room Occupancy development with up to 6 units on each lot zoned for single family detached housing and, if the lot allows the development of 5 or more units, then the SRO development must be approved up to the number of units allowed by the underlying density standard. This provision takes effect as of January 1, 2024.
- Amends the definition of “needed housing” in ORS 197.296 and 197.303 to include “single room occupancy” development, meaning that local governments must consider this development type when evaluating the amount of buildable land necessary for

residential development over a 20-year timeframe and when preparing Housing Production Strategies to meet housing production goals. This provision takes effect as of January 1, 2024.

- Establishes a process for homeowner associations to remove discriminatory language from any declaration or bylaws adopted for a planned community or condominium established before September 1, 2021, to review these documents and amend such language on or before December 31, 2024.
- Allows the Public Utilities Commission to permit utilities to convey a real property interest at below market prices or as a gift provided the property is used for affordable housing. This provision takes effect as of January 1, 2024.
- Directs the Oregon Department of Administrative Services, in consultation with DLCDC and OHCS, to provide grants to councils of government and economic development districts to support housing and community development capacity in local governments and the federally recognized tribes. HB 3395 appropriates \$5M for this purpose.

*Requires conforming rulemaking.*

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage unless otherwise noted (underlined above).

## **HB 2127 – Pendleton UGB Expansion for Affordable Housing Pilot Extension**

**Chief Sponsor:** Rep. Mannix

**Summary:** In 2016, the Oregon Legislative Assembly passed House Bill 4079, which established a pilot program for the construction of affordable housing. The program allowed two cities to approve affordable housing on land outside but adjacent to their urban growth boundary (UGB) under certain conditions, including the a demonstration selected projects that were likely to provide affordable housing that otherwise would not have been built. Ultimately, the cities of Bend and Redmond were selected. Later, in 2021, the Legislative Assembly enacted House Bill 2160, which allowed LCDC to consider an application from the City of Pendleton under the pilot project with a deadline for the application on June 30, 2023.

HB 2127 removed the deadline for the City of Pendleton to apply to a pilot project program for affordable housing and sunsets the program on January 2, 2028.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

**HB 2889 – Oregon Housing Needs Analysis Recommendations****Chief Sponsors:** Rep. Dexter, Rep. Fahey, Rep. Marsh, Sen. Jama, and Sen. Gorsek**Summary:** HB 2889 served as the “clean-up” legislation to HB 2001 adopted earlier to implement the Oregon Housing Needs Analysis (OHNA) framework and to update Goals 10 and 14 for improved housing production. The bill revises the OHNA Methodology process and targets to reflect the policy priorities to track the production of all levels of housing affordability. It also re-assigned the responsibility for allocating housing need in the Metro region from Metro Regional Government to Department of Administrative Services. Finally, HB 2889 includes other technical clarifications to correct errors, ensure the policy functions as intended, and avoid create potential unanticipated consequences.**Status:** Awaiting Governor’s Signature**Effective Date:** Upon passage**HB 2898 – Extending Time for Siting Recreational Vehicles as Shelter****Chief Sponsors:** Rep. Cate and Sen. Brock Smith**Summary:** Since 2005, Oregon law has allowed the use of a recreational vehicle (RV) as a dwelling if all of the following conditions are met:

- the RV is located in a manufactured home park, mobile home park, or RV park;
- the RV is occupied as a residential dwelling; and
- the RV has lawful water and electric hook-ups and a sewage disposal system.

In response to the 2020 wildfires, the Legislative Assembly enacted House Bill 2809 (2021), which also permitted the siting of an RV as a dwelling on the lot of a manufactured or single-family home made uninhabitable by a natural disaster, until the home is made habitable or 24 months following the date it was made uninhabitable. House Bill 2898 extends the time allowance for living in an on-site RV to five years. The measure also specifies that, under applications to alter, restore, or replace a dwelling destroyed by the 2020 wildfires, the applicant is permitted to occupy an RV until December 30, 2030.

**Status:** Awaiting Governor’s Signature**Effective Date:** Upon passage**HB 2984 – Commercial to Residential Conversions Exemptions****Chief Sponsor:** Rep. Marsh**Summary:** HB 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It clarifies housing developed under these provisions may occur only within an urban growth

boundary for cities with populations of 10,000 or greater, and not on lands zoned for heavy industrial use. It allows local governments to require payment of system development charge (SDC) if charge is based on specific commercial to residential conversion policy adopted by a local government on or before December 31, 2023; or is for water or wastewater and offset by any SDCs paid when building was originally constructed. Prohibits enforcement of parking minimums greater than those required for existing commercial or residential use.

**Status:** Awaiting Governor’s Signature

**Effective Date:** Upon passage

### **HB 3442 – Allowing Affordable Housing in Hazard Areas**

**Chief Sponsors:** Rep. Javadi and Sen. Brock Smith

**Summary:** HB 3342 allows local governments with urban growth boundaries within 10 miles of the Pacific Ocean to approve affordable housing on public lands, areas zoned for commercial use or religious assembly, or certain industrial areas within 100-year floodplains or on property constrained by land use regulations based on natural hazards and hazards, if, within the city’s urban growth boundary, more than 60 percent of land is within a tsunami inundation zone or more than 30 percent is within a 100-year floodplain. HB 3442 limits this affordable housing to those locations meeting minimum federal standards required by the National Flood Insurance Program or equally or more stringent local standards, occurring outside of flood waterways, and having updated emergency response plans.

## **II. CLIMATE**

### **HB 3409 – Climate Package (Solar Siting)**

**Chief Sponsors:** Speaker Rayfield, Rep. Marsh, Rep. K. Pham, Senator Dembrow, and Senator Lieber

**Summary:** HB 3409 is a climate package with many components – only one of which impact land use planning statutes and rules:

*Finding opportunities and reducing conflict in siting photovoltaic solar power generation facilities*

- Directs DLCD to conduct two rulemakings related to the siting of solar energy facilities. The first rulemaking is to include photovoltaic energy facilities as a “rural industrial use” for purposes of goal exceptions by November 3, 2023. The second rulemaking will establish conditions for local governments to prioritize areas for photovoltaic energy

facilities siting least likely to conflict with natural and cultural resource values by July 1, 2025.

- Establishes the 17 member rules advisory committee for siting photovoltaic solar power generation facilities to advise DLCD on adoption of rules related to photovoltaic solar power generation facility siting. DLCD is to provide an initial report to an appropriate interim committee of the legislative assembly by September 15, 2025, and a final report to certain entities by December 31, 2025.
- The measure requires DLCD to contract with a third party to support the rules advisory committee, including to facilitate and coordinate meetings, and furnish maps, data, and technical assistance. Members of the rules advisory committee are entitled to compensation and expenses. These portions of the measure sunset January 2, 2026.
- Provides DLCD \$471,692 general fund in the 2023-25 biennium. Department anticipates hiring one full-time planner 4. This position would provide support for the rules advisory committee and allow DLCD to develop more policy and technical expertise in renewable energy issues.
- **Positions:** 1 (limited duration) **FTE:** .88

**Status:** Awaiting Governor's signature

**Effective date:** Upon passage

### III. RESOURCE LANDS

#### HB 2192 – Replacement Dwellings on Forest Land

**Chief Sponsors:** Rep. Wright and Sen. Brock Smith

**Summary:** On lands zoned for forest use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Forestland dwelling statutes do not allow for alteration, restoration, or replacement of dwellings that no longer have intact walls and other structural components and do not meet requirements related to ad valorem taxation.

By contrast, on lands zoned for exclusive farm use, current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use if the dwelling "has" or "formerly had" intact structural features (HB 2746, 2013). Similarly, HB 2289 (2021)

required that a local government approve an application to alter, restore, or replace a dwelling affected by the 2020 Labor Day wildfires if the former dwelling "had" intact structural features.

HB 2192 would modify requirements for a lawfully established forestland dwelling to be altered, restored, or replaced by aligning criteria applicable to the alteration, restoration, or replacement of lawfully established dwellings on forestland with the criteria for certain farmland dwellings. It allows for a lawfully established dwelling to be altered, restored, or replaced if:

- (1) the county determines that the dwelling formerly had intact exterior walls and roof structure, indoor plumbing, interior wiring for interior lights, and a heating system and
- (2) unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application or the date that the dwelling was built and became subject to property tax assessment; or if the value of the dwelling was eliminated as a result of destruction or demolition it was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of five years before the date of the destruction or demolition or the date that the dwelling was built and became subject to property tax assessment.

HB 2192 provides that applicable construction codes related to building, plumbing, sanitation, and health and safety may not be applied to the replacement dwelling if doing so would prohibit the siting of the replacement dwelling. An application for a replacement building must be filed within three years following the date that the dwelling last possessed all of the required qualifying features. Construction of the replacement dwelling must commence no later than four years after its application is approved and finalized. A replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code if the dwelling is in an area identified as extreme or high wildfire risk on the statewide wildfire risk map or if no statewide wildfire risk map has been adopted.

*Requires conforming rulemaking.*

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **[HB 3179](#) – Modifies Jurisdiction for Solar Photovoltaic Power Generation Facilities**

**Chief Sponsor:** Rep. Helm

**Summary:** HB 3179 increases the maximum acreage for solar photovoltaic power generation facilities under county jurisdiction. On high-value farmland the maximum facility acreage increases from 160 to 240 acres; on land that is predominantly cultivated or composed of certain soil acreage increases from 1,280 to 2,560 acres; and on any other land the acreage for county jurisdiction increases from 1,920 to 3,840 acres. Facilities greater than these thresholds will continue under the jurisdiction of the Energy Facility Siting Council.

HB 3179 also requires renewable energy facility that is solar photovoltaic power generating facility using newly authorized acreage limit under HB 3179 to provide decommissioning plan to accomplish restoration of site to useful, nonhazardous condition, which includes bonding or other security as financial assurance. The bill prohibits the Oregon Department of Transportation and the county court or board of county commissioners from discriminating against or favoring a renewable energy facility in reviewing or granting siting permits for such facilities to be built on the right of way of state highways or county roads.

*Requires conforming rulemaking.*

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **HB 3197 – Limits Clear and Objective Requirements for Housing**

**Chief Sponsor:** Rep. McLain

**Summary:** HB 3197 directs local governments to apply clear and objective standards to residential development within urban growth boundaries and, after July 1, 2025, to apply such standards to residential development within non-resource lands, areas zoned for rural residential, and unincorporated communities designated in county comprehensive plans. Similarly, for farmworker accessory housing, counties must apply additional standards beyond those under ORS Chapter 215 or DLCD rules as clear and objective. Finally, HB 3197 no longer limits the discretionary option to clear and objective standards to appearance and aesthetic standards, allowing developers and local governments to agree alternative design and development standards.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **SB 70 – Rural Residential Rezoning in Eastern Oregon Border Region**

**Chief Sponsor:** Sen. Findley and Rep. Owens

**Summary:** In 2017, the Legislative Assembly created the Eastern Oregon Border Economic Development Region (Border Region) and established the Eastern Oregon Border Economic Development Board (Board) through the enactment of HB 2012. The Border Region is defined in rule as the area within 20 miles of the Oregon border with Idaho, which includes the cities of Ontario, Vale, and Nyssa.

In 2021, the Board urged the legislature to pass SB 16 as a means to increase rural residential housing options in the Border Region in response to significant residential growth in Idaho. The Legislative Assembly enacted the bill, which authorizes counties to partition and rezone up to

200 acres of lands within the Border Region from exclusive farm use to residential use, provided that the rezoned lands are not high-value farmland and other specified requirements are met.

SB 70 amends the definition of "high-value farmland" for residential rezoning of lands within the (Border Region to allow for rezoning within the boundaries of an irrigation district, drainage district, water improvement district, water control district, or related corporation, and within a portion of the Snake River Valley viticultural area. The bill requires that the rezoned lands are within a rural fire protection district, comply with applicable fire prevention code requirements, and are not within an area designated as a 100-year floodplain on a current Federal Emergency Management Agency map. It changes county authority to "partition" to county authority to "divide" lands zoned for exclusive farm use within the Border Region, provided that certain conditions are met.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **SB 80 - Wildfire Bill**

**Chief Sponsors:** Senate Interim Committee on Natural Resources and Wildfire Recovery

**Summary:** SB 80 updates many of the requirements set forth in SB 762 (2021), the omnibus wildfire bill, including:

- Directs the State Department of Forestry to oversee the development and maintenance of a comprehensive statewide wildfire hazard map. The map's name has been updated to "hazard" from "risk" and purposes of the map have been defined.
- The hazard zones have been changed to three zones: low, moderate, and high, from five risk classes (none, low, moderate, high, and extreme). Property owner notice and appeal processes have been revised.
- Requirements for a robust community engagement process have been added, including holding eight in-person meetings with county commissioners and staff throughout the state and a follow up meeting for counties to be scheduled by Association of Oregon Counties.
- Requirements for State agencies that use the map layer that geospatially displays the locations of socially and economically vulnerable communities are detailed, including how resources are directed, how communities are identified, and how outreach is conducted. No date is specified for the map's release, it is to be "completed and released expeditiously."

**Status:** Awaiting Governor's Signature

**Effective Date:** July 1, 2023 **SB 85** –

**Amending Concentrated Animal Feeding Operation Regulations**

**Chief Sponsors:** Senate Interim Committee on Natural Resources and Wildfire Recovery

**Summary:** SB 85 requires local government to issue a land use compatibility statement for proposed concentrated animal feeding operations (CAFOs). It also allows local governments to require a buffer or setback for large CAFOs that would be adjacent to legal residences or structures that were legal when constructed.

**Status:** Signed

**Effective Date:** May 8, 2023

### **SB 644 – Accessory Dwelling Unit Standards in Rural Residential Zones**

**Chief Sponsor:** Sen. Knopp, and Sen. Findley

**Summary:** **SB 644** allows **counties to approve** accessory dwelling units in rural residential zones constructed consistent with Section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted or is located in an area on an adopted state wildfire risk map that vulnerable to extreme or high wildfire risk. Note that SB 80 (see above) provides the Oregon Department of Forestry direction with regard to adopting a statewide wildfire risk map.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **SB 1013 – Allowing Recreational Vehicles on Certain Rural Properties**

**Chief Sponsors:** Sen. Hayden, Sen. Linthicum, and Sen. Brock Smith

**Summary:** SB 1013 authorizes counties to allow property owners in a rural residential zones to site one recreational vehicle (RV) subject to residential rental agreement on property, provided: the property is not within an urban reserve and includes a single-family dwelling occupied solely as property owner's primary residence; no other dwelling units are sited on the property; the property owner does not allow the use of the RV or RV space for vacation or other short-term occupancy; the RV is owned or leased by the tenant; and the property owner provides essential services to the RV.

SB 1013 allows a county to require a property owner to register RV siting with the county; enter into written residential rental agreement with RV tenant; limit payment amount property owner may accept from tenant; and hold RV to county inspection and siting standards.

SB 1013 defines "recreational vehicle" for purposes of Act as a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation. The bill prohibits a state agency from prohibiting placement or occupancy of RV solely on grounds it is

an RV if it meets provisions of Act. Finally, the bill clarifies RVs sited under the measure's provisions are not subject to the state building code.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

#### IV. ADMINISTRATIVE AND MISCELLANEOUS

##### HB 3362 – Validation of Illegal Land Division Purchased by Innocent Purchasers

**Chief Sponsors:** Rep. Conrad and Rep. Wright

**Summary:** HB 3362 allows a county to approve an application to validate a unit of land acquired by an innocent purchaser prior to January 1, 2023 if the county: before the acquisition, approved an application for the recognition of the unit of land as a lawfully established unit of land and approved an application for a property line adjustment to that unit of land, and after acquisition, revoked these approvals. The bill exempts such applications from specified minimum lot or parcel sizes and sunsets county authority on January 2, 2025.

HB 3362 allows any person, notwithstanding standing requirements or deadlines, to file with the Land Use Board of Appeals (LUBA) a notice of intent to appeal a land use decision made by a county if: the challenged decision approved an application for a template dwelling, a legal lot verification, or a property line adjustment; the approval of the challenged decision was based on forged deeds or documents; the applicant is not an "innocent purchaser" under the definition provided in this Act; and the applicant owned the property that was the subject of the challenged land use decision on January 1, 2023.. Prohibits the county from approving a new application for a template dwelling on the lot or parcel if the challenged decision is overturned on appeal.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon Passage

##### SB 4 – Siting Authority for Semiconductor and Advanced Manufacturing

**Chief Sponsors:** Rep. Bynum, Rep. Wallan, Sen. Knopp, and Sen. Sollman

**Summary:** SB 4 allows the Governor to add lands by executive order to existing urban growth boundaries for use in semiconductor manufacturing, advanced manufacturing or supply chain development related to these industries. The lands must be designated on or before Dec. 31, 2024, contiguous to the city's existing urban growth boundary, entirely within three miles of that

boundary and not located on an acknowledged urban reserve. Before designating any such lands, the bill requires the Governor to determine that suitable lands are not available within the existing UGB boundary and to take public input on the potential designation. The Governor may designate up to 8 sites within specific acreage limits.

Any lands designated under SB 4 are considered an acknowledged urban growth boundary. DLCDC must consider any designated lands included in a local ordinance adopted within 6 months of the executive order that zones the lands for semiconductor or advanced manufacturing uses as an acknowledged amendment to the local comprehensive plan or land use regulations. Lands added to UGBs may be removed upon order by the Governor if the lands will not receive federal semiconductor financial assistance.

**Status:** Awaiting Governor's Signature

**Effective Date:** Upon passage

### **HB 3458 – Limiting Appeals of Remands to Issues Raised under Original Appeal**

**Chief Sponsor:** Rep. McLain

**Summary:** HB 3458 prohibits a party from raising new issues before the Land Use Board of Appeals (LUBA) in cases where LUBA remands all or a portion of a decision related to an acknowledged comprehensive plan or land use regulation and the local government adopts the same changes following remand with revised findings and additional evidence responding to the remand. The bill also allows LUBA to partially affirm decisions if a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes are complete and capable of being executed with the legislative intent. HB 3458 applies to decisions made and petitions filed with LUBA on or after the effective date of this Act.

**Status:** Awaiting Governor's Signature

**Effective Date:** September 24<sup>th</sup>, 2023

---

If you have questions or comments about the report or other legislation, please contact DLCDC Legislative and Policy Coordinator, Alexis Biddle, at (971) 718-4504, or [Alexis.Biddle@dlcd.oregon.gov](mailto:Alexis.Biddle@dlcd.oregon.gov)

## Council Communication

---

### Ordinance 2023-23 for ZOA 2023-05

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

---

#### Question:

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-23?

### ORDINANCE NO. 2023-23

**An ordinance amending the 2015 Lincoln City Transportation System Plan, Volume I, amending Table I: Financially Constrained and Aspirational Project List, removing five driving projects**

#### Staff Recommendation:

Staff recommends the Council conduct and approve First and Second Reading and adopt Ordinance 2023-23.

#### Authority:

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

#### Background:

See public hearing staff report for background on ZOA 2023-05.

**Council Options:**

1. Conduct and approve First and Second Reading and adopt the ordinance.
2. Continue to November 13, 2023
3. Continue Second Reading to November 13, 2023.
4. Do not proceed with proposed ordinance.

**Potential Motions:**

*Planning Director:* [Conduct First Reading of Ordinance by Title only]

**ORDINANCE NO. 2023-23**

**An ordinance amending the 2015 Lincoln City Transportation System Plan, Volume I, amending Table I: Financially Constrained and Aspirational Project List, removing five driving projects**

*Council:*

Motion to approve First Reading of Ordinance 2023-23.

*Planning Director:* [Conduct Second Reading of Ordinance by Title only]

**ORDINANCE NO. 2023-23**

**An ordinance amending the 2015 Lincoln City Transportation System Plan, Volume I, amending Table I: Financially Constrained and Aspirational Project List, removing five driving projects**

*Council:*

Motion to approve Second Reading and adopt Ordinance 2023-23.

**Attachments:**

Ord 2023-23 for ZOA 2023-05 (DOCX)  
Exhibit A for Ord 2023-23 (DOC)



1 **Table I: Financially Constrained and Aspirational Project List**

Project #	Project Description	Project Elements*	Estimated Cost (2014 Dollars)	Primary Funding Source**	Package ***
<b>D7</b>	<b>NE Surf Extension</b>	<b>Extend NE Surf Ave to NE 34<sup>th</sup> and 35<sup>th</sup> St, while also connecting to NE 34<sup>th</sup> St; including sidewalks.</b>	<b>\$3,425,000</b>	<b>Developer</b>	<b>4</b>
<b>D18</b>	<b>SW 20<sup>th</sup> Extension</b>	<b>Extend SW 30<sup>th</sup> St from SW Coast Ave to US 101 at SE 31<sup>st</sup> St; improvement includes sidewalks.</b>	<b>\$1,425,000</b>	<b>Developer</b>	<b>4</b>
<b>D22</b>	<b>SW Fleet Extension</b>	<b>Upon redevelopment, extend SW Fleet Ave from SW 50<sup>th</sup> St to SW 51<sup>st</sup> St; improvement includes sidewalks.</b>	<b>\$575,000</b>	<b>Developer</b>	<b>4</b>
<b>D23</b>	<b>Taft Beach Parking Local Connection</b>	<b>Create a new local connection from the west end of SW 51<sup>st</sup> St to SW 50<sup>th</sup> St; install sidewalks on the east side of the street and a shared-use path on the west side.</b>	<b>\$275,000</b>	<b>Developer/City</b>	<b>4</b>
<b>D25</b>	<b>SW Keel Connection</b>	<b>Extend SW Keel Ave from SW</b>	<b>\$1,150,000</b>	<b>City</b>	<b>4</b>



1 ATTEST:

2

3 \_\_\_\_\_

4 JAMIE YOUNG, CITY RECORDER

5

6

7

8 APPROVED AS TO FORM:

9

10 \_\_\_\_\_

11 DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY

## EXHIBIT A – FINDINGS FOR ORDINANCE 2023-23 (ZOA 2023-05)

### Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. City-wide notice was made on August 29, 2023. Notice to DLCD 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 2023-23** proposes amending the 2015 Lincoln City Transportation System Plan, Volume I, 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.

# Council Communication

---

## Ordinance 2023-25 for ZOA 2023-07

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

---

### Question:

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-25?

### ORDINANCE NO. 2023-25

**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 height limitation.**

### Staff Recommendation:

Staff recommends the Council conduct and approve First and Second Reading and adopt Ordinance 2023-25.

### Authority:

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

### Background:

See public hearing staff report for background on ZOA 2023-07.

**Council Options:**

1. Conduct and approve First and Second Reading and adopt the ordinance.
2. Continue to November 13, 2023
3. Continue Second Reading to November 13, 2023.
4. Do not proceed with proposed ordinance.

**Potential Motions:**

*Planning Director:* [Conduct First Reading of Ordinance by Title only]

**ORDINANCE NO. 2023-25**

**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 height limitation.**

*Council:*

Motion to approve First Reading of Ordinance 2023-25.

*Planning Director:* [Conduct Second Reading of Ordinance by Title only]

**ORDINANCE NO. 2023-25**

**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 height limitation.**

*Council:*

Motion to approve Second Reading and adopt Ordinance 2023-25.

**Attachments:**

Ord 2023-25 for ZOA 2023-07 (DOCX)  
Exh A for Ord 2023-25 (DOC)





## EXHIBIT A – FINDINGS FOR ORDINANCE 2023-25 (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 3<sup>rd</sup>) and the City Council on October 23, 2023, were published in the local newspaper on September 19, 2023, and September 26, 2023.

### Summary:

**Ordinance 2023-25** 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.

# Council Communication

## Ordinance 2023-26 for ZOA 2023-08

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

### Question:

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-26?

### ORDINANCE NO. 2023-26

**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)**

**Staff Recommendation:**

Staff recommends the Council conduct and approve First and Second Reading and adopt Ordinance 2023-26.

**Authority:**

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

**Background:**

See public hearing staff report for background on ZOA 2023-08.

**Council Options:**

1. Conduct and approve First and Second Reading and adopt the ordinance.
2. Continue to November 13, 2023
3. Continue Second Reading to November 13, 2023.
4. Do not proceed with proposed ordinance.

**Potential Motions:**

*Planning Director:* [Conduct First Reading of Ordinance by Title only]

*Council:*

Motion to approve First Reading of Ordinance 2023-26.

*Planning Director:* [Conduct Second Reading of Ordinance by Title only]

*Council:*

Motion to approve Second Reading and adopt Ordinance 2023-26.

**Attachments:**

Exh A for Ord 2023-26 (DOC)

Ord 2023-26 ZOA 2023-08 (DOCX)

## EXHIBIT A – FINDINGS FOR ORDINANCE 2023-26 (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.

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 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.

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

38 "**Manufactured dwelling**" means a residential trailer, mobile home, or manufactured  
 39 **home, as those terms are defined in this chapter. "Manufactured dwelling" does not**  
 40 **include any building or structure constructed to conform to the State of Oregon Specialty**  
 41 **Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or**  
 42 **455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon**  
 43 **Laws 2019.**  
 44

1 ~~“Manufactured dwelling” means a manufactured home, mobile home, or residential trailer~~  
 2 ~~as those terms are defined in this title. “Manufactured dwelling” does not mean any~~  
 3 ~~building or structure subject to the structural specialty code adopted pursuant to ORS~~  
 4 ~~455.100 through 455.450 or any unit identified as a recreational vehicle by the~~  
 5 ~~manufacturer.~~

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

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

29 ~~“Manufactured home” means a structure constructed for movement on the public~~  
 30 ~~highways, that has sleeping, cooking and plumbing facilities that is intended for human~~  
 31 ~~occupancy, that is being used for residential purposes and that was constructed after June~~  
 32 ~~15, 1976, in accordance with Federal Manufactured Housing Construction Safety~~  
 33 ~~Standards and Regulations in effect at the time of construction.~~

35 “Mobile home park” means any place where four or more manufactured dwellings are  
 36 located within 500 feet of one another on a lot, tract, or parcel of land under the same  
 37 ownership, the primary purpose of which is to rent space or keep space for rent to any  
 38 person for a charge or fee paid or to be paid for the rental or use of facilities or to offer  
 39 space free in connection with securing the trade or patronage of such person. “Mobile  
 40 home park” does not include a lot or lots located within a subdivision being rented or  
 41 leased for occupancy by no more than one manufactured dwelling per lot if the  
 42 subdivision was approved by the municipality unit have jurisdiction under an ordinance  
 43 adopted pursuant to ORS 92.010 to 92.192.

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

6  
 7 “Prefabricated structure” means a building or subassembly that has been in whole or  
 8 substantial part manufactured or assembled using closed construction at an off-site  
 9 location to be wholly or partially assembled on-site; does not mean a manufactured  
 10 dwelling or a small home as defined in section 2, chapter 401, Oregon Laws 2019.

11  
 12 “Recreational vehicle” means a vehicle with or without motive power that is designed for  
 13 use as living quarters and as further defined by the Oregon Director of Transportation.

14  
 15 ~~“Recreational vehicle” means a vehicle with or without motive power that is designed for~~  
 16 ~~human occupancy and has a gross floor area not exceeding 400 square feet in the set-up~~  
 17 ~~mode and as further defined by rule by the Oregon Department of Consumer and~~  
 18 ~~Business Services Building Codes Division.~~

19  
 20 “Skirting” means a weather resistant material used to enclose the space below a  
 21 manufactured dwelling.

22  
 23 “Single-room occupancy” means a residential development with no fewer than four  
 24 attached rooms that are independently rented and lockable and provide living and  
 25 sleeping space for the exclusive use of an occupant, but require that the occupant share  
 26 sanitary and food preparation facilities with other units in the occupancy.

27  
 28 “Tiedown” means any device designed to anchor a manufactured dwelling securely to the  
 29 ground.

30  
 31 **SECTION 2.** Chapter 17.04 (*General Provisions*), Section 17.04.050 (*Restriction*), is hereby  
 32 amended to read as follows:

33  
 34 No development shall occur unless city water and city sanitary sewer services are  
 35 available and utilized to serve such development. “Development” is defined in  
 36 LCMC 17.08.010. Standards for installation and construction of city water and city  
 37 sanitary sewer services shall be those outlined in LCMC Titles 12 and 13 and  
 38 Lincoln City’s public works design standards. Exception: Existing lots of record  
 39 less than five acres in area which do not front on a public sewer line but which  
 40 will be connected to a public water line may be developed with one detached or  
 41 attached single-unit dwelling, ~~or~~ **one manufactured dwelling, home, or one**  
 42 **prefabricated structure** utilizing an approved subsurface sewage disposal  
 43 system, provided a deferred improvement agreement is executed and recorded

1 by the owner of record consenting to the establishment of a local improvement  
2 district to participate in future public sewer system extensions and connections.

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

6  
7 To promote and encourage a suitable environment for **family-residential** living and to  
8 protect and stabilize the residential characteristics of the zone. The R1 zone is intended  
9 to provide primarily for **single-unit dwellings** ~~single-family dwellings~~.

10  
11 **SECTION 4.** Chapter 17.16 (*Single-Unit Residential (R1) Zone*), Section 17.16.020 (*Permitted uses*),  
12 Paragraph A is hereby amended as follows:

13  
14 5. Manufactured homes **and prefabricated structures**;

15  
16 6. A **mobile-home recreational vehicle** used during construction of a permitted  
17 use for which a building permit has been issued, but not exceeding **one year six**  
18 **months**;

19  
20 **10. Single-room occupancy with one such structure allowed per lot or parcel**  
21 **and a maximum of six single-occupancy room units in the structure;**

22  
23 **11. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
24 **17.08.010.**

25  
26 **SECTION 5.** Chapter 17.16 (*Single-Unit Residential (R1) Zone*), Section 17.16.040 (*Conditional*  
27 *Uses*), is hereby amended as follows:

28  
29 E. Mobile **or manufactured** home parks submitted under the provisions of LCMC  
30 17.80.040;

31  
32 **SECTION 6.** Chapter 17.17 (*Single-Unit residential, Roads End (R1RE) Zone*), Section 17.17.010  
33 (*Purpose*), is hereby amended as follows:

34  
35 To retain and maintain the historic and traditional nature of the Roads End  
36 neighborhood, to promote and encourage a suitable environment for **residential family**  
37 living and to protect and stabilize the residential characteristics of the area. The R1RE  
38 zone is intended to provide primarily for **single-unit dwellings**. ~~single-family~~  
39 ~~dwellings~~. Nonconforming uses are permitted to continue in accordance with Chapter  
40 17.64 LCMC.

41  
42 **SECTION 7.** Chapter 17.17 (*Single-Unit residential, Roads End (R1RE) Zone*), Section 17.17.020  
43 (*Permitted uses*), Paragraph A is hereby amended as follows:

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

2  
3                   2. Manufactured homes **and prefabricated structures;**

4  
5                   3. Duplexes. **Short-term rentals VRDs** are prohibited in duplexes;

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

9  
10                  **7. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
11                  **17.08.010.**

12  
13 **SECTION 8.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.20 (*Permitted uses*) is  
14 hereby amended to read as follows:

15                   E. Manufactured homes **and prefabricated structures;**

16  
17                   F. A **recreational vehicle mobile home** used during construction of a permitted use for  
18 which a building permit has been issued, but not exceeding **one year; six months;**

19  
20                   **M. Single-room occupancy with one such structure allowed per lot or parcel and a**  
21                   **maximum of six single-occupancy room units in the structure;**

22  
23                   **N. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
24                   **17.08.010.**

25  
26  
27 **SECTION 9.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.040 (*Conditional uses*), is  
28 hereby amended as follows:

29                   E. Mobile **or manufactured** home parks submitted under the provisions of LCMC  
30 17.80.040;

31  
32  
33 **SECTION 10.** Chapter 17.20 (*Multiple-Unit Residential (RM) Zone*), Section 17.20.020 (*Permitted*  
34 *uses*), is hereby amended as follows:

35                   **N. Tiny house;**

36  
37                   **O. Single-room occupancy with as many units and/or structures, or combination**  
38                   **thereof, per lot or parcel to meet the minimum density requirement in LCMC**  
39                   **17.20.050. There is no maximum to the number of units per structure.**

40  
41                   **P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
42                   **17.08.010.**

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

3  
4 **M. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
5 **17.08.010.**

6  
7 **N. Residential use of commercial lands as outlined in LCMC 17.80.230**

8  
9 **SECTION 12.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.010 (*Purpose*), is  
10 hereby amended as follows:

11  
12 The recreation commercial zone (RC) is provided for those commercial uses having a  
13 definite relationship to the community's resort and recreation industry. Allowed herein  
14 are uses that provide food, lodging, recreational activities and services that have a resort  
15 rather than a carnival character. **Multi-unit residential development Residential**  
16 ~~multifamily housing~~ is also permitted which meets demands for housing in areas of  
17 concentrated recreation services, including seasonal and retirement homes.

18  
19 **SECTION 13.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.020 (*Uses*  
20 *permitted*), is hereby amended as follows:

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

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

26  
27 **X. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
28 **17.08.010;**

29  
30 **Y. Residential use of commercial lands as outlined in LCMC 17.80.230.**

31  
32 **SECTION 14.** Chapter 17.28 (*Recreation Commercial (RC) Zone*), Section 17.28.040 (*Conditional*  
33 *uses permitted*), is hereby amended as follows:

34  
35 **H. Emergency shelters;**

36  
37 **SECTION 15.** Chapter 17.29 (*Resort Community Commercial*), Section 17.29.020 (*Uses permitted*),  
38 is hereby amended as follows:

39  
40 ~~A statutory development agreement will select from the uses permitted in the RCC~~  
41 ~~district listed below. The developer and city may agree to any of the following uses:~~

42  
43 **15. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
44 **17.08.010;**

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

2           **17. Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC**  
3 **17.08.010;**

4  
5           **18. Residential use of commercial lands as outlined in LCMC 17.80.230**

6  
7           C. Residential use is authorized when located above the above listed nonresidential uses.  
8 Nonresidential use must always be located on the ground floor. **Short-term rentals are not an**  
9 **allowed use in this zone. Residential use includes apartment use, which may include**  
10 **individual condominium ownership or long-term rentals short-term rentals and time share**  
11 **of such dwelling units is not authorized.**

12  
13 **SECTION 16.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.010 (*Purpose*), is  
14 hereby amended as follows:

15  
16           The general commercial zone (GC) is provided to accommodate a wide range of retail  
17 commercial uses including those which attract shoppers from a community or larger  
18 market area, as well as convenience service/retail uses and **single-unit dwellings.**  
19 **single-family residential dwelling units.** Retail commercial uses are those that sell  
20 services and/or products to the ultimate consumer. Also permitted as conditional uses  
21 are low intensity fabrication uses and other limited service facilities as listed.

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

24  
25           L. Carpenter, plumbing, cabinet, upholstery and sheet metal shops, **and other**  
26 **contractor’s establishments,** if conducted wholly within an enclosed building;

27 ~~—— **X. Manufactured homes when developed in accordance with the standards**~~  
28 ~~—— **specified in LCMC 17.28.100(B) and 17.52.250;**~~

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

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

34           NN. Affordable housing, **subject to LCMC 17.80.200 and as defined in LCMC**  
35 **17.08.010; (see definition in Chapter 17.08 LCMC);**

36 ~~—— **QQ. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**~~  
37 ~~—— **17.08.010;**~~

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

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

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

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

8 ~~\_\_\_\_\_ **K. Multi-unit dwellings developed under the standards and requirements for multi-**~~  
 9 ~~\_\_\_\_\_ **unit dwellings in Chapter 17.20 LCMC and Article III of Chapter 17.74 LCMC;**~~

11 ~~\_\_\_\_\_ **S. Emergency shelters;**~~

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

14 C. Variances under **LCMC 17.77.140 Chapter 17.68 LCMC** to the footprint limitation set  
 15 out in this section shall not be allowed.

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

18 Table 17.34.030-1 – Land Uses Allowed in Nelscott

Uses	Subdistrict		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Residential Categories			
<b><u>Residential Use of Commercial Lands (see LCMC 17.80.230)</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
Mixed use <del>– dwelling(s) above or abutting a ground floor commercial use</del> <del>– dwelling(s) below a ground floor commercial use fronting on Highway 101</del>	<b><u>P</u></b> <b><u>N P</u></b>	<b><u>N</u></b> N	<b><u>P</u></b> P
<b><u>Manufactured homes and prefabricated structures</u></b>	<b><u>P</u></b>	P	<b><u>P</u></b>

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
Use Categories			
<b>Conversions, subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</b>	P	N	P
<b>Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</b>	P	P	P
<b>Single-room occupancy, with one such structure allowed per lot or parcel and a maximum of six single-occupancy room units in the structure;</b>	<u>P</u>	<u>P</u>	<u>P</u>
Other Categories			
<b>Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010;</b>	<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			
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	5 ft. <b>for one-story dwellings, 7.5 ft. for more than one-story dwellings, except that the interior side setback for the</b>	10 ft.; single-unit dwellings (detached or attached) subject to NCR standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
	attached) subject to NCR standards	<del>attached side of attached single-unit dwellings is 0 ft.</del>	

1  
2 **SECTION 22.** Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.020 (*Uses permitted*), is  
3 hereby amended as follows:

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

7  
8 **SECTION 23.** Chapter 17.36 (*Planned Industrial (PI) Zone*), Section 17.36.030 (*Conditional uses*  
9 *permitted*), is hereby amended as follows:

10  
11 **G. Emergency shelters.**

12  
13 **SECTION 24.** Chapter 17.40 (*Recreation Residential (RR) Zone*), Section 17.40.020 (*Permitted*  
14 *uses*), is hereby amended as follows:

15  
16 H. Four-flat dwellings, subject to the provisions of **LCMC 17.80.150; Chapter 17.80**  
17 **LCMC;**

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

19 **N. Tiny house;**

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

22 **P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
23 **17.08.010.**

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

26 **P. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC**  
27 **17.08.010.**

28 **SECTION 26.** Chapter 17.45 (*Taft Village Core (TVC) Zone*), Section 17.45.010 (*Purpose*), is hereby  
29 amended as follows:

30 The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including  
31 retail, professional office, service-oriented businesses, **single-unit and multi-unit dwellings**  
32 **single-family and multifamily residences** and combinations of the above in mixed use

1 developments within a core area of the village of Taft where concentrations of a variety of uses  
 2 will encourage a pedestrian-oriented pattern of development that is different from the patterns  
 3 found between Lincoln City’s village nodes.

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

6 Table 17.45.020-1 – Land Uses Allowed in TVC  
 7

Uses	Status of Use
C. Boarding and Lodging Facilities	
<b><del>2. Condominiums with 10 units or less and with nightly rentals<sup>2</sup></del></b>	<b>C</b>
<b>G. Mixed Use Development</b>	<b>P</b>
<b><del>Developments that contain office/retail/service establishments and residential uses, either within the same structure or on the same parcel.</del></b>	<b>P</b>
I. Residential	
1. Single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC <b><u>for the R1-5 zone</u></b>	P
2. Attached single-unit dwellings, subject to the provisions of Chapter 17.16 LCMC <b><u>for the R1-5 zone</u></b>	P
3. Duplexes, subject to the provisions of Chapter 17.16 LCMC <b><u>for the R1-5 zone</u></b>	P
6. Manufactured homes <b><u>and prefabricated structures</u></b>	P
8. Affordable housing, <b><u>subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</u></b>	P
<b><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></b>	<b>P</b>
<b><u>10. Residential use of commercial lands as outlined in LCMC 17.80.230</u></b>	<b>P</b>
L. Other Uses	
20. Conversions, <b><u>subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</u></b>	P
<b><u>22. Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010</u></b>	<b>P</b>

8

1 ~~1 A cap of 212 units in boarding and lodging facilities are permitted in the TVC~~  
 2 ~~zone, not including bed and breakfast accommodations and other boarding and~~  
 3 ~~lodging facilities with 10 units or less.~~

4 ~~2 A minimum of 50 percent of the ground-level gross floor area of new~~  
 5 ~~hotels/motels and condominiums with nightly rentals shall be comprised of~~  
 6 ~~eating/drinking establishments, entertainment/recreation establishments, or retail~~  
 7 ~~commercial uses.~~

8  
 9 ~~G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC~~  
 10 ~~zone, not including bed and breakfast accommodations and other boarding and~~  
 11 ~~lodging facilities with 10 units or less.~~

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

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

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
Use Categories			
Residential Categories			
Household Living			
<b><u>New dwelling(s) – ground floor Detached or attached single-unit dwellings</u></b>	N	P	P
<b><u>Conversion of all or a portion of commercial buildings to residential use, either ground floor or other stories</u></b>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Residential use of commercial lands as outlined in LCMC 17.80.230</u></b>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Manufactured homes and prefabricated structures</u></b>		<u>P</u>	P
<b><u>Affordable housing, subject to LCMC 17.80.200 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</u></b>	P	P	P
Commercial Categories			
<b><u>Eating and drinking establishments</u></b>	<u>P</u>	<u>P</u>	<u>P</u>

Uses	Status of Use			
	Use Categories	Main Street Area	Interior Area	Oceanfront Area
Other Categories				
Conversions, <b>subject to LCMC 17.80.190 and as defined in LCMC 17.08.010 (see definition in Chapter 17.08 LCMC)</b>		P	P	P
<b>Emergency shelters, subject to LCMC 17.80.220 and as defined in LCMC 17.08.010</b>		<b>P</b>	<b>P</b>	<b>P</b>

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 **mobile or manufactured home** park  
11 shall install and maintain hydrants so that no mobile **or manufactured** home  
12 within the **mobile or manufactured home** park shall be more than 500  
13 feet from a hydrant when the park is fully occupied. Each hydrant shall be  
14 adjacent to a vehicular way within the **mobile or manufactured home** park and  
15 shall conform in design and capacity to the public hydrant  
16 standards in the city.

17 3. Except at driveway accesses, a decorative, sight-obscuring fence at least five  
18 but no more than six feet in height shall be located 10 feet back from the outer  
19 boundary of the mobile **or manufactured** home park. The area between the  
20 sight-obscuring fence and mobile **or manufactured** home park boundary shall  
21 be landscaped. The fence and landscaping plan shall be approved by the  
22 planning commission.

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

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

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

14           C. Tiny House Developments.

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

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

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

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

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

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

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

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

31           ~~**6. Primary Entrance. If the accessory dwelling unit's primary entrance is not**~~  
 32 ~~**the same as that for the principal dwelling unit it shall be less visible from**~~  
 33 ~~**the street view of the principal dwelling unit than the main entrance of the**~~  
 34 ~~**principal dwelling unit. If the accessory dwelling unit is accessed via a**~~

1 ~~stairway, the stairway may not be constructed on the front of the principal~~  
2 ~~dwelling unit.~~

3 7. ~~Vacation Rental~~**Short-term Rental.** Neither the accessory dwelling unit nor the  
4 principal dwelling unit may be used as a short-term rental, vacation rental  
5 dwelling.

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

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

10 **SECTION 33.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.150 (*Four-flat*  
11 *dwelling*s), is hereby amended as follows:

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

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

16  
17 5. Co-Location Requests. Requests to co-locate by placing antennas or other  
18 transmission and reception devices on an existing tower, building, or other  
19 structure, shall be processed as a Type I procedure, pursuant to LCMC  
20 17.76.030.development review request, pursuant to LCMC 17.77.070.  
21

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

24  
25 **E. Affordable housing development established on or after January 1, 2024, is**  
26 **exempt from the definition of "planned community" provided in ORS 94.550.**  
27

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

30  
31 ~~G. Application must be made prior to July 1, 2023, and approval is void unless the~~  
32 ~~shelter is operating within two years following the approval.~~  
33

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

36  
37 **17.80.230 Residential use of commercial lands.**  
38 **A. Notwithstanding an acknowledged comprehensive plan or land use**  
39 **regulation within an urban growth boundary, the city shall allow, on lands**

1 zoned to allow commercial uses and not industrial uses, the siting and  
 2 development of:

- 3 1. Residential structures subject to an affordable housing covenant as  
 4 provided in ORS 456.270 to 456.295 making each unit affordable to a  
 5 household with income less than or equal to 60 percent of the area median  
 6 income as defined in ORS 456.270; or  
 7 2. Mixed-use structures with ground floor commercial units and residential  
 8 units subject to an affordable housing covenant as provided in ORS 456.270  
 9 to 456.295 making the properties affordable to moderate income  
 10 households, as defined in ORS 456.270.

11  
 12 B. The city may only apply those approval standards, conditions, and  
 13 procedures under ORS 197.307, that would be applicable to the residential zone  
 14 of the city that is most comparable in density to the allowed commercial uses.

15  
 16 C. Development under this section does not:

- 17 1. Trigger any requirement that the city consider or update an analysis as  
 18 required by a statewide planning goal relating to economic development.  
 19 2. Apply on lands where the city determines that:  
 20 a) the development on the property cannot be adequately served by water,  
 21 sewer, storm water drainage, or streets, or will not be adequately served at  
 22 the time that development on the lot is complete;  
 23 b) The property contains a slope of 25 percent or greater;  
 24 c) The property is within a 100-year floodplain; or  
 25 d)The development of the property is constrained by land use regulations  
 26 based on statewide land use planning goals relating to:  
 27 i. Natural disasters and hazards; or  
 28 ii. Natural resources, including air, water, land or natural areas, but  
 29 not including open spaces.  
 30 iii. Apply on lands that are vacant or that were added to the urban  
 31 growth boundary within the last 15 years.

32  
 33 **SECTION 38. Findings Adopted.** The findings contained in the Whereas Clauses of this  
 34 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial  
 35 evidence in the whole record of this legislative proceeding are incorporated into this section by  
 36 reference as if fully set forth herein, and are adopted in support of this legislative action.

37  
 38 **SECTION 39. Severability.** The sections, subsections, paragraphs and clauses of this ordinance  
 39 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
 40 validity of the remaining sections, subsections, paragraphs and clauses.

41  
 42 **SECTION 40. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance  
 43 takes effect 30 days after the date of its adoption.  
 44

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

7  
8 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
9 9.2 of the City of Lincoln City Charter on the 23<sup>rd</sup> day of October, 2023 (First Reading) and on the  
10 23<sup>rd</sup> day of October, 2023 (Second Reading).

11  
12  
13 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23<sup>rd</sup> day of  
14 October, 2023.

15  
16  
17  
18 \_\_\_\_\_  
19 SUSAN WAHLKE, MAYOR

20 ATTEST:

21  
22 \_\_\_\_\_  
23 JAMIE YOUNG, CITY RECORDER

24 APPROVED AS TO FORM:

25  
26  
27 \_\_\_\_\_  
28 DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY  
29  
30

# Council Communication

---

## Ordinance 2023-24 for ZOA 2023-06 VRD to STR

Meeting Date:	October 23, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

---

### Question:

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-24?

### ORDINANCE NO. 2023-24

**An Ordinance Amending the Lincoln City Municipal Code, Title 17, (Zoning), Amending Chapter 17.08 (Definitions), Section 17.08.010 (Definitions); Amending Chapter 17.16 (Single-Unit Residential (R1) Zone), Section 17.16.020 (Permitted Uses) and Section 17.16.030 (Accessory Uses); Amending Chapter 17.17 (Single-Unit Residential Roads (R1RE) Zone), Section 17.17.020 (Permitted Uses) and Section 17.17.030 (Accessory Uses); Amending Chapter 17.18 (Vacation Rental (VR) Zone), Section 17.18.010 (Purpose and Locational Criteria), Section 17.18.020 (Permitted Uses), Section 17.18.070 (Lot/Setback Other Requirements) and Section 17.18.100 (Other Required Conditions); Amending 17.20 (Multiple-Unit Residential (RM) Zone), Section 17.20.030 (Accessory Uses); Amending Chapter 17.28 (Recreation Commercial (RC) Zone) Section 17.28.020 (Uses Permitted); Amending Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted); Amending Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses); Amending Chapter 17.40 (Recreation Residential (RR) Zone), Section 17.40.030 (Accessory Uses); Amending Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses); Amending Chapter 17.77 (Applications), Adding Section 17.77.125 (Short-Term Rental); and Amending Chapter 17.80 (Provisions Applying to Special Uses), Section 17.80.050 (Short-Term Rental Use Criteria)**

### Staff Recommendation:

Staff recommends the Council conduct and approve First and Second Reading and adopt Ordinance 2023-24.

**Authority:**

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

**Background:**

See public hearing staff report for background on ZOA 2023-06.

**Council Options:**

1. Conduct and approve First and Second Reading and adopt the ordinance.
2. Continue to November 13, 2023
3. Continue Second Reading to November 13, 2023.
4. Do not proceed with proposed ordinance.

**Potential Motions:**

*Planning Director:* [Conduct First Reading of Ordinance by Title only]

**ORDINANCE NO. 2023-24**

**An Ordinance Amending the Lincoln City Municipal Code, Title 17, (Zoning), Amending Chapter 17.08 (Definitions), Section 17.08.010 (Definitions); Amending Chapter 17.16 (Single-Unit Residential (R1) Zone), Section 17.16.020 (Permitted Uses) and Section 17.16.030 (Accessory Uses); Amending Chapter 17.17 (Single-Unit Residential Roads (R1RE) Zone), Section 17.17.020 (Permitted Uses) and Section 17.17.030 (Accessory Uses); Amending Chapter 17.18 (Vacation Rental (VR) Zone), Section 17.18.010 (Purpose and Locational Criteria), Section 17.18.020 (Permitted Uses), Section 17.18.070 (Lot/Setback Other Requirements) and Section 17.18.100 (Other Required Conditions); Amending 17.20 (Multiple-Unit Residential (RM) Zone), Section 17.20.030 (Accessory Uses); Amending Chapter 17.28**

**(Recreation Commercial (RC) Zone) Section 17.28.020 (Uses Permitted); Amending Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted); Amending Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses); Amending Chapter 17.40 (Recreation Residential (RR) Zone), Section 17.40.030 (Accessory Uses); Amending Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses); Amending Chapter 17.77 (Applications), Adding Section 17.77.125 (Short-Term Rental); and Amending Chapter 17.80 (Provisions Applying to Special Uses), Section 17.80.050 (Short-Term Rental Use Criteria)**

*Council:*

Motion to approve First Reading of Ordinance 2023-24.

*Planning Director:* [Conduct Second Reading of Ordinance by Title only]

#### **ORDINANCE NO. 2023-24**

**An Ordinance Amending the Lincoln City Municipal Code, Title 17, (Zoning), Amending Chapter 17.08 (Definitions), Section 17.08.010 (Definitions); Amending Chapter 17.16 (Single-Unit Residential (R1) Zone), Section 17.16.020 (Permitted Uses) and Section 17.16.030 (Accessory Uses); Amending Chapter 17.17 (Single-Unit Residential Roads (R1RE) Zone), Section 17.17.020 (Permitted Uses) and Section 17.17.030 (Accessory Uses); Amending Chapter 17.18 (Vacation Rental (VR) Zone), Section 17.18.010 (Purpose and Locational Criteria), Section 17.18.020 (Permitted Uses), Section 17.18.070 (Lot/Setback Other Requirements) and Section 17.18.100 (Other Required Conditions); Amending 17.20 (Multiple-Unit Residential (RM) Zone), Section 17.20.030 (Accessory Uses); Amending Chapter 17.28 (Recreation Commercial (RC) Zone) Section 17.28.020 (Uses Permitted); Amending Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Uses Permitted); Amending Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted Uses); Amending Chapter 17.40 (Recreation Residential (RR) Zone), Section 17.40.030 (Accessory Uses); Amending Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted Uses); Amending Chapter 17.77 (Applications), Adding Section 17.77.125 (Short-Term Rental); and Amending Chapter 17.80 (Provisions Applying to Special Uses), Section 17.80.050 (Short-Term Rental Use Criteria)**

*Council:*

Motion to approve Second Reading and adopt Ordinance 2023-24.

**Attachments:**

Exhibit A for ZOA 2023-06 (DOC)

Ord 2023 (PDF)

## EXHIBIT A – FINDINGS FOR ORDINANCE 2023-24 (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 DLCDC 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 2023-24** 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.

ORDINANCE NO. 2023-24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS); AMENDING CHAPTER 17.16 (SINGLE-UNIT RESIDENTIAL (R1) ZONE), SECTION 17.16.020 (PERMITTED USES) AND SECTION 17.16.030 (ACCESSORY USES); AMENDING CHAPTER 17.17 (SINGLE-UNIT RESIDENTIAL ROADS (R1RE) ZONE), SECTION 17.17.020 (PERMITTED USES) AND SECTION 17.17.030 (ACCESSORY USES); AMENDING CHAPTER 17.18 (VACATION RENTAL (VR) ZONE), SECTION 17.18.010 (PURPOSE AND LOCATIONAL CRITERIA), SECTION 17.18.020 (PERMITTED USES), SECTION 17.18.070 (LOT/SETBACK OTHER REQUIREMENTS) AND SECTION 17.18.100 (OTHER REQUIRED CONDITIONS); AMENDING 17.20 (MULTIPLE-UNIT RESIDENTIAL (RM) ZONE), SECTION 17.20.030 (ACCESSORY USES); AMENDING CHAPTER 17.28 (RECREATION COMMERCIAL (RC) ZONE) SECTION 17.28.020 (USES PERMITTED); AMENDING CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE), SECTION 17.32.020 (USES PERMITTED); AMENDING CHAPTER 17.34 (NELSCOTT PLAN (NP) DISTRICT), SECTION 17.34.030 (PERMITTED USES); AMENDING CHAPTER 17.40 (RECREATION RESIDENTIAL (RR) ZONE), SECTION 17.40.030 (ACCESSORY USES); AMENDING CHAPTER 17.45 (TAFT VILLAGE CORE (TVC) ZONE), SECTION 17.45.020 (PERMITTED USES); AMENDING CHAPTER 17.77 (APPLICATIONS), ADDING SECTION 17.77.125 (SHORT-TERM RENTAL); AND AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES), SECTION 17.80.050 (SHORT-TERM RENTAL USE CRITERIA)

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

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

The City Council finds:

- A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on August 10, 2023; a city-wide mailing under ORS 227.186(4) was made on August 29, 2023; and
- D. The Planning Commission, on September 19, 2023, held a public hearing and considered the amendments contained within this ordinance. On September 19, 2023, the Planning Commission voted to transmit the amendments to the City Council; and

- 1 E. The City Council conducted the public hearing on October 23, 2023, closed the hearing,
- 2 closed the record, and deliberated on the proposed amendments on October 23, 2023;
- 3 and
- 4
- 5 F. All persons were given an opportunity to provide written and/or oral testimony on the
- 6 proposed ordinance amendments.
- 7

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

9

10 **SECTION 1.** Chapter 17.08 (Definitions), amending Section 17.08.010 (Definitions), is hereby

11 amended follows:

12

13 **“Short-term rental” means a dwelling unit that is used, rented, or occupied**

14 **on a daily or weekly basis for rental periods of 30 days or less, or is available**

15 **for use, rent, or occupancy on a daily or weekly basis for rental periods of 30**

16 **days or less, or is advertised, or listed by an agent, as available for use, rent,**

17 **or occupancy on a daily or weekly basis for rental periods of 30 days or less.**

18

19 ~~**“Vacation rental dwelling” means a dwelling unit that is used, rented or occupied**~~

20 ~~**on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or**~~

21 ~~**weekly basis, or is advertised, or listed by an agent, as available for use, rent, or**~~

22 ~~**occupancy on a daily or weekly basis.**~~

23

24 **SECTION 2.** Chapter 17.16 (Single-unit residential (R1) zone), Section 17.16.020 (Permitted uses),

25 Paragraph B is hereby amended as follows:

26

27 2. ~~**Vacation rental dwellings**~~ **Short-term rentals** in the R1-5 zone, subject to LCMC

28 17.80.050 and to the license requirements of Chapter 5.14 LCMC

29

30 **SECTION 3.** Chapter 17.16 (Single-unit residential (R1) zone), Section 17.16.030 (Accessory uses),

31 Paragraph D is hereby amended as follows:

32

33 ~~**D. Vacation rental dwelling, provided it is not rented for more than 30 nights in**~~

34 ~~**any calendar year, and subject to LCMC 17.80.050 and to the license requirements of**~~

35 ~~**Chapter 5.14 LCMC.**~~

36

37 **SECTION 4.** Chapter 17.17 (Single-unit residential Roads End (R1RE) zone), Section 17.17.020

38 (Permitted uses), Paragraph B is hereby amended as follows:

39

40 1. ~~**Vacation rental dwellings**~~ **Short-term rentals**, subject to LCMC 17.80.050 and **to**

41 **the license requirements of** Chapter 5.14 LCMC

42

1 SECTION 5. Chapter 17.17 (Single-unit residential Roads End (R1RE) zone), Section 17.17.030  
2 (Accessory uses), Paragraph B is hereby amended as follows:

3  
4 ~~B. Vacation rental dwellings not rented for more than 30 nights in any calendar~~  
5 ~~year, subject to the provisions of LCMC 17.80.050 and Chapter 5.14 LCMC.~~  
6

7 SECTION 6. Chapter 17.18 (Vacation Rental (VR) zone), Section 17.18.010 (Purpose and locational  
8 criteria), is hereby amended as follows:

9  
10 A. The vacation rental ~~zone district~~ is provided to facilitate lodging alternatives for  
11 vacationers in areas in close proximity to the community's attractions and recreation  
12 uses. The ~~zone district~~ is intended to provide a location for **family** vacation use in a  
13 mixed use setting which is less commercial than the recreation-commercial zone but  
14 which has sufficiently sized public facilities and services to accommodate the intensity of  
15 ~~short-term rental vacation rental~~ use. While the VR zone permits residential use, it is  
16 intended for use in discrete geographic areas devoted to ~~short-term vacation~~ rentals or  
17 as a transition between commercial zones and purely residential zones, and therefore  
18 facilitates the protection and stability of established neighborhoods.

19  
20 B. The vacation rental zone authorizes ~~short-term rentals vacation rental dwellings~~ as  
21 a principal use. ~~Unlike residential zones, this zone permits VRD use and operation~~  
22 ~~without the accessory use limitation, that is, the use is authorized on its own, and~~  
23 ~~need not be incidental and subordinate to the principal use of the residence as the~~  
24 ~~owner's vacation home.~~ This zone would be appropriate for discrete geographic areas  
25 where tourist accommodations would not disrupt established residential neighborhoods.  
26 Owing to the increased intensity of use, VR-zoned areas must be in close proximity to  
27 the community's attractions and recreation uses; further, such areas must be served with  
28 the full complement of public facilities and services, including specifically sewer. This  
29 zone is appropriate in proximity to commercial zones, existing multi-unit multifamily  
30 residential development, as well as a transition between commercial zones and  
31 established single-unit single family residential zones.  
32

33 SECTION 7. Chapter 17.18 (Vacation rental (VR) zone), Section 17.18.020 (Permitted uses) is  
34 hereby amended as follows:

35  
36 D. Short-term rentals, subject to LCMC 17.80.050 and to the license requirements  
37 of Chapter 5.14 LCMC; Vacation rental dwellings, subject to the license  
38 ~~requirements of Chapter 5.14 LCMC;~~  
39

40 SECTION 8. Chapter 17.18 (Vacation rental (VR) zone), Section 17.18.070 (Lot/setback other  
41 requirements) is hereby amended as follows:

42  
43 The minimum requirements for the VR ~~zone district~~ shall be as follows:  
44

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback <sup>(3)</sup>	Side Setback	Street Side Setback <sup>(3)</sup>	Rear Setback	Maximum Building Coverage <sup>(5)</sup>
VR	5,000 sq. ft.	50' detached; 35' attached	70'	5' <sup>(1)</sup> <del>7 1/2'<sup>(2)</sup></del>	5' <sup>(1)</sup> <del>7 1/2'<sup>(2)</sup></del> or 0' for common wall of attached dwellings	5' <sup>(1)</sup> <del>7 1/2'<sup>(2)</sup></del>	5' <sup>(1)</sup> <del>7 1/2'<sup>(2)</sup></del>	35% <sup>(4)</sup>

- 1 ~~(1) For one story structures.~~
- 2 ~~(2) For structures more than one story.~~

4 **SECTION 9.** Chapter 17.18 (Vacation Rental (VR) zone), Section 17.18.100 (Other required conditions) is hereby amended as follows:

7 17.18.100 ~~Other required conditions.~~ Design features.

9 All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in the VR zone are encouraged to shall use at least two of the following design features on the front of the dwelling:

13 **SECTION 10.** Chapter 17.20 (Multiple-Unit Residential (RM) Zone), Section 17.20.030 (Accessory uses), is hereby amended as follows:

16 ~~G. Vacation rental dwellings, provided they are not rented for more than 30 nights in any calendar year, and subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC;~~

20 **SECTION 11.** Chapter 17.28 (Recreation Commercial (RC) Zone), Section 17.20.020 (Uses permitted), is hereby amended as follows:

23 V. Short-term rentals, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC.

26 **SECTION 12.** Chapter 17.32 (General Commercial (GC) Zone), Section 17.32.020 (Permitted uses), is hereby amended as follows:

1 PP. Short-term rentals, subject to LCMC 17.80.050 and to the license requirements  
2 of Chapter 5.14 LCMC.

3  
4 **SECTION 13.** Chapter 17.34 (Nelscott Plan (NP) District), Section 17.34.030 (Permitted uses), is  
5 hereby amended as follows:  
6

Table 17.34.030-1 – Land Uses Allowed in Nelscott

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
<del>Short-term rentals, Vacation rental dwelling</del> , subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	N	P

7  
8 **SECTION 14.** Chapter 17.40 (Recreation Residential (RR) Zone), Section 17.40.030 (Accessory  
9 uses), is hereby amended as follows:  
10

11 ~~E. Vacation rental dwellings, provided they are not rented for more than 30 nights~~  
12 ~~in any calendar year, and subject to LCMC [17.80.050](#) and to the license~~  
13 ~~requirements of Chapter [5.14](#) LCMC;~~  
14

15 **SECTION 15.** Chapter 17.45 (Taft Village Core (TVC) Zone), Section 17.45.020 (Permitted uses), is  
16 hereby amended as follows:  
17

Uses	Status of Use
C. Boarding and Lodging Facilities	
<del>Short-term rentals, Vacation rental dwelling</del> , subject to <del>the provisions of</del> LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P

18  
19 **SECTION 16.** Chapter 17.77 (Applications), is hereby amended to add a new Section 17.77.125  
20 (Short-term rental), as follows:  
21

22 **17.77.125 Short-term rental.**  
23

1 A. Procedure. Short-term rental land-use applications are subject to the  
 2 Type II procedure as described in LCMC 17.76.040.

3 B. Submittal Requirements. Type II application submittal requirements are  
 4 set forth in LCMC 17.76.040 and more specific submittal requirements are  
 5 provided on application forms and checklists as authorized in LCMC  
 6 17.76.100. Minimum requirements are as follows:

7 1. The owners of the property shall apply for short-term rental land  
 8 use approval on the application form provided by the department. All  
 9 property owners shall sign the application. The application shall not be  
 10 processed until all property owners have signed the application. The  
 11 application shall not be processed without payment of the application fee.

12 2. Names, mailing addresses, email addresses, and telephone numbers  
 13 of all persons holding an ownership interest in the property, or holding an  
 14 ownership interest in the entity that owns the property, shall be provided in  
 15 the application.

16 3. The property owners shall certify through their signature that the  
 17 persons identified as the property owners on the application do not own  
 18 other property in the city that is used as a short-term rental or is approved  
 19 for short-term rental use, if the application is for a short-term rental in a  
 20 residential zone.

21 C. Approval Criteria. To approve a short-term rental land use application,  
 22 the review authority shall review the submitted materials to ensure that all  
 23 applicable portions of LCMC 17.80.050 are satisfied.

24 1. Approval for a short-term rental in the R1-5 or R1RE cannot be  
 25 granted unless there is availability under the cap. Notwithstanding  
 26 availability, a land-use application may be submitted for processing with the  
 27 applicable fee. Applications will be given a date and time stamp at the time  
 28 of completeness. If a license does not become available within the state-  
 29 mandated timeframe for issuing a decision on the land-use application, the  
 30 application shall be denied. However, the applicant may submit another  
 31 application and assume the same date and time stamp of completeness as  
 32 the original denied application. The full application fee shall be paid for  
 33 subsequent applications.

34 D. Conditions of Approval. The review authority may impose conditions of  
 35 approval on a short-term rental land use application to ensure compliance  
 36 with the approval criteria.

37 E. Appeal of a Decision. Refer to LCMC 17.76.180.

38 F. Expiration of a Decision.

39 1. The authorization for short-term rental land use approval or short-  
 40 term rental nonconforming use shall remain valid provided the use is

1 conducted lawfully, under a valid short-term rental operating license under  
2 Chapter 5.14 LCMC, and in compliance with Chapter 5.14 LCMC.

3 2. If property owners fail to receive a short-term operating license  
4 under Chapter 5.14 LCMC within six months of having received short-term  
5 rental land use authorization, or property owners having a short-term rental  
6 operating license under Chapter 5.14 LCMC fail to renew it as outlined in  
7 Chapter 5.14 LCMC, the city shall consider the short-term rental land use  
8 authorization abandoned and the director shall declare the authorization  
9 null and void.

10 3. For a legal nonconforming short-term rental, discontinuance,  
11 abandonment, sale, or transfer (sale or transfer as outlined in LCMC  
12 17.80.050(B)(1)(a) and (b) triggers termination of the nonconforming use.

13 4. The director will mail a written notice of the decision to declare  
14 short-term rental land use authorization null and void or declare the short-  
15 term rental nonconforming use terminated to the property owners. The  
16 property owners may appeal the director’s decision as provided in LCMC  
17 17.76.180.

18 G. Extension of a Decision. There are no extensions allowed to the six-  
19 month timeframe detailed in LCMC 17.77.125(F)(2).

20  
21 **SECTION 17.** Chapter 17.80 (Provisions applying to special uses), Section 17.80.050 (Vacation  
22 rental dwelling use criteria) is hereby amended to read as follows:

23  
24 17.80.050 ~~Vacation rental dwelling~~ Short-term rental use criteria.

25  
26 A. Purpose.

27  
28 1. Purpose. The use of dwelling units as short-term rentals is ~~Vacation rental~~  
29 ~~dwelling~~ are allowed in recognition of the fact that property owners may desire to allow others  
30 to use their dwelling as a short-term rental ~~a vacation home on occasions when the~~  
31 ~~owners themselves are not using it,~~ and that many individuals visiting Lincoln City desire  
32 the use of a private dwelling unit as their accommodation, rather than a hotel, motel,  
33 resort, or similar. the accommodation option that best fulfills the desires of many guests  
34 visiting Lincoln City is the rental of a private home during their stay.

35  
36 2. Basis. The city council finds:

37 a. The use of dwelling units as short-term rentals ~~vacation rental~~  
38 ~~dwelling~~ can have a perceived negative effect on Lincoln City neighborhoods by creating  
39 nuisances including but not limited to excessive loud noise, excessive numbers of parked  
40 vehicles interfering with vehicle access along public roadways and blocking private drives, and  
41 litter migrating onto adjacent properties from untended solid waste receptacles.

1 b. An absentee owner may not be aware of the extent to which use of a  
2 ~~dwelling unit as a short-term rental vacation rental dwelling~~ potentially causes negative  
3 effects on neighboring properties and the livability of a neighborhood.

4 c. All owners of property in the city have a common interest in  
5 maintaining and promoting livable and viable neighborhoods for residents and visitors alike.  
6

7 **B. ~~Short-term Rental Requirements. Vacation Rental Dwelling Standards.~~** Except  
8 where noted, the following ~~standards requirements~~ apply to all ~~short-term rentals vacation~~  
9 ~~rental dwellings~~ in the city:

10  
11 1. Ownership. The ~~land-use approval of the dwelling unit as a short-term~~  
12 ~~rental approved use of the vacation rental dwelling~~ in any zone is in the names of the  
13 property owners and the ~~land-use~~ approval, ~~as well as the short-term rental operating~~  
14 ~~license required in Chapter 5.14 LCMC, including any license,~~ is not transferable. When ~~any~~  
15 ~~of the~~ owners sells or transfers the property ~~approved,~~ occupied, or rented as a ~~short-term~~  
16 ~~rental, vacation rental dwelling,~~ the ~~short-term rental land-use approval shall cease.~~  
17 ~~Approved use shall cease.~~

18  
19 a. For purposes of this chapter, "sale or transfer" means any change of  
20 ownership during the lifetime of ~~any of~~ the owners, whether or not there is consideration, or  
21 after the death of ~~any of~~ the owners, except a change in ownership where title is held in  
22 survivorship with a spouse or domestic partner, or transfers on the owner's death to a trust  
23 which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic  
24 partner. An owner may transfer ownership of the real property to a trustee, a limited liability  
25 company, a corporation, a partnership, a limited partnership, a limited liability partnership, or  
26 other similar entity and not be subject to loss of ~~short-term rental land-use~~ approval ~~of the~~  
27 ~~vacation rental dwelling use~~ so long as the transferor lives and remains the only owner of the  
28 entity ~~to which ownership was transferred.~~ Upon the transferor's death or ~~upon~~ the sale or  
29 transfer of his or her interest in the entity to another person, the ~~short-term rental land-use~~  
30 approval ~~shall terminate. For the use held by the transferor shall terminate.~~

31  
32 b. For purposes of this chapter, "person" means the natural person or  
33 legal entity that owns and holds legal and/or equitable title to the property. If the owner is a  
34 natural person, or where the natural person has transferred ~~his or her the~~ property to a trust of  
35 which the natural person is the trustor, that person can have an ownership right, title, or interest  
36 in no more than one dwelling unit in a residential zone that has ~~short-term rental land-use~~  
37 ~~approval and/or a short-term rental operating license.~~ If the owner is a business entity such  
38 as a partnership, corporation, limited liability company, limited partnership, limited liability  
39 partnership or similar entity, any person who owns an interest in that business entity shall be  
40 considered an owner and such a person can have an ownership right, title, or interest in no more  
41 than one dwelling unit in a residential zone that has ~~short-term rental land-use approval~~  
42 ~~and/or a short-term rental operating license.~~

43  
44 2. ~~Zoning for Short-term Rentals. Accessory or Permitted Use.~~



1 LCMC. If the site does not or cannot meet proposed VRD use cannot provide the required  
 2 off-street parking requirements and also meet all the other standards and requirements of  
 3 subsection (B) of this section, including required landscaping, the overnight occupancy of  
 4 the dwelling unit when in use as a short-term rental vacation rental occupancy of the  
 5 dwelling shall be reduced to conform to the available number of off-street parking spaces on  
 6 the site that meet the sizing and surfacing requirements of Chapter 17.56 LCMC amount  
 7 of off-street parking and made a condition of licensing under Chapter 5.14 LCMC.

8  
 9 a. The director has the discretion to require such changes as are necessary  
 10 to conform the dwelling unit to available approved off-street parking on the site and shall  
 11 inspect the dwelling unit as necessary to confirm the occupancy has been so conformed prior to  
 12 approving the use, ~~in any allowed zone.~~ An example is changing a bedroom to another use.

13  
 14 b. No more vehicles shall be parked on the property than there are  
 15 designated off-street parking spaces that meet the sizing and surfacing requirements of  
 16 Chapter 17.56 LCMC.

17  
 18 c. No variance from the off-street parking requirements standards is  
 19 allowed.

20  
 21 4. Solid Waste. The property owners must provide securable receptacles of  
 22 sufficient size and number to contain all for the deposit of solid waste generated by the  
 23 short-term rental use vacation rental dwelling use and subscribe to a solid waste collection  
 24 service for service sufficient to ensure adequate and timely collection of solid waste during  
 25 all times the site is in use as a short-term rental. for the vacation rental dwelling during all  
 26 months the dwelling is used for vacation rental. No dumpsters are allowed.

27  
 28 5. Landscaping. Landscaping shall be installed and maintained in compliance  
 29 with all the landscaping requirements listed in Chapter 17.55 LCMC, except LCMC  
 30 17.55.040 does not apply. Additionally, a minimum of 50 percent of the front setback area  
 31 must be landscaped for short-term rentals located in the R1-5 and R1RE zones.

32 a. ~~Residential Zones (R1-5, R1-7.5, R1-10, R1RE, RM, RR) and the VR~~  
 33 ~~Zone. The owner must landscape in accordance with the standards of LCMC 17.55.030.~~  
 34 ~~Additionally, a minimum of 50 percent of the front setback area must be landscaped. For~~  
 35 ~~oceanfront properties constrained by a need to be set back from the bluff edge due to~~  
 36 ~~geological hazards, landscaping may be reduced in order to accommodate required~~  
 37 ~~parking.~~

38 b. ~~Commercial Zones (NBD, NBMU, TVC, OP-OF, OP-IM, OP-MSH, RC,~~  
 39 ~~and GC). The owner shall install and maintain landscaping to meet the landscaping~~  
 40 ~~standards of LCMC 17.55.030.~~

41  
 42 6. Signs. Signs shall be in compliance with the sign requirements listed in LCMC  
 43 17.72.060(B) and Chapter 9.34 LCMC. In any of the zones, any sign on the property shall

1 ~~be in compliance with the sign requirements for the R1 zone as established in LCMC~~  
2 ~~17.72.060(B).~~

3  
4 7. ~~Transient Room Tax. TRT.~~ The property owners shall comply with Chapter 3.04  
5 ~~LCMC, Transient Room Tax.~~

6  
7 8. ~~VRD Short-term Rental Operating~~ License. Prior to making a dwelling unit  
8 available for use as a short-term rental, VRD available for use, including advertising by any  
9 means or otherwise offering the dwelling unit for short-term rental use, VRD for use, the  
10 property owners shall obtain a valid short-term rental operating license, pursuant to  
11 Chapter 5.14 LCMC. VRD License as provided in Chapter 5.14 LCMC.

12  
13 9. Subject to the limitations and provisions of this section and of Chapter 5.14 LCMC, a  
14 short-term rental vacation rental dwelling located in the R1-7.5, R1-10, RM, RR, or NCR zone  
15 that, prior to December 1, 2016, had received a short-term rental vacation rental dwelling  
16 land use approval and a short-term rental operating vacation rental dwelling license  
17 approval for the 2016 license year, and that has such approvals remaining valid as of January 18,  
18 2017, may continue to operate ~~without compliance with the 30-night accessory use~~  
19 ~~limitation of this section, and continue~~ as nonconforming approvals pursuant to the land use  
20 terms and conditions of their existing land use approvals. Except for existing conditional use  
21 approvals, this authorization terminates upon the sale or transfer of the property as defined in  
22 subsection (B)(1) of this section.

23  
24 ~~C. Application and Review.~~

25 ~~1. Application Requirements.~~

26 ~~a. The owner of the property or authorized agent shall apply for a vacation rental~~  
27 ~~dwelling on a form provided by Lincoln City. The owner shall sign the application.~~  
28 ~~No application shall be accepted without payment of the application fee.~~

29 ~~b. At a minimum, the names, mailing addresses, and telephone numbers of all~~  
30 ~~persons holding an ownership interest in the property, or holding an ownership~~  
31 ~~interest in the entity that owns the property, shall be provided in the application.~~

32 ~~c. The applicant shall certify that the person identified as the owner on the~~  
33 ~~application does not own other property in the city that is used as a vacation~~  
34 ~~rental dwelling or is approved by the city for vacation rental dwelling use, if the~~  
35 ~~application is for a vacation rental dwelling in a residential (R1-5, R1-7.5, R1-10,~~  
36 ~~R1RE, RM, RR) zone.~~

37 ~~d. The applicant shall certify solid waste collection service is provided to the~~  
38 ~~property.~~

39 ~~e. The application shall demonstrate parking and landscaping standards of this~~  
40 ~~section are met.~~

1 f. ~~Providing false information in the application shall be a violation and grounds~~  
2 ~~to deny the application, void the approval, enjoin the use, and revoke a vacation~~  
3 ~~rental dwelling license issued for the dwelling under Chapter 5.14 LCMC.~~

4 ~~2. Type II Procedure.~~

5 ~~a. The application shall be processed as a Type II procedure, pursuant to LCMC~~  
6 ~~17.76.040.~~

7 ~~b. The authorization for VRD land use approval or VRD nonconforming use shall~~  
8 ~~remain valid provided the use is conducted lawfully, under a valid revocable~~  
9 ~~vacation rental dwelling license issued under Chapter 5.14 LCMC, and in~~  
10 ~~compliance with Chapter 3.04 LCMC, Transient Room Tax. If a property owner who~~  
11 ~~has received a VRD land use authorization fails to apply for and receive a VRD~~  
12 ~~license under Chapter 5.14 LCMC within one year of having received the VRD land~~  
13 ~~use authorization, or having received a VRD license under Chapter 5.14 LCMC, fails~~  
14 ~~to renew it within the license grace period, the city will consider the VRD~~  
15 ~~authorization abandoned and the director will declare the authorization void. For~~  
16 ~~a legal nonconforming use in the R1RE zone, discontinuance, abandonment, sale~~  
17 ~~or transfer, as specified in subsection (B)(2)(d) of this section, triggers termination~~  
18 ~~of the nonconforming use. The director will mail a written notice of the decision~~  
19 ~~to declare the VRD land use authorization null and void or declare the VRD~~  
20 ~~nonconforming use terminated to the property owner. The property owner may~~  
21 ~~appeal the director's decision as provided in LCMC 17.76.180.~~

22 ~~3. Appeal. The decision of the planning and community development director on an~~  
23 ~~application for vacation rental dwelling land use may be appealed as provided in~~  
24 ~~LCMC 17.76.180. Appeal of the director's decision shall be in the form of an~~  
25 ~~evidentiary hearing before the planning commission. The planning commission~~  
26 ~~decision shall be final and is not subject to further appeal.~~

27 ~~4. Fees. The city is authorized to adopt fees in an amount established by resolution to~~  
28 ~~recover the actual costs of processing and reviewing an application for vacation rental~~  
29 ~~dwelling land use including fees for appeals of such decisions.~~

30 ~~C. E. Prior Existing Use.~~

31 ~~1. Application of Chapter 17.60 LCMC, Conditional Uses. Any dwelling unit~~  
32 ~~approved as a short-term rental (previously known as a vacation rental dwelling)~~  
33 ~~vacation rental dwelling accessory approved by the city under the conditional use~~  
34 ~~standards of Chapter 17.60 LCMC as in effect prior to November 21, 2007, and lawfully~~  
35 ~~conducted may continue as a nonconforming use after such date, provided the~~  
36 ~~occupancy of the vacation rental dwelling unit as a short-term rental is lawfully~~  
37 ~~conducted under a valid short-term rental operating license as required by this~~  
38 ~~section and Chapter 5.14 LCMC. vacation rental dwelling license or renewal license~~  
39   
40

1 ~~as required by this section.~~ The property owners ~~owner~~ of the dwelling unit have ~~has~~  
2 the burden of establishing a prior approved conditional use when applying for or  
3 renewing a short-term rental operating license. ~~vacation rental dwelling license or~~  
4 ~~license renewal.~~

5  
6 2. A short-term rental ~~vacation rental dwelling accessory use~~ that is not a  
7 conditional use and was approved by the city prior to November 21, 2007, shall be  
8 allowed to continue provided the property owners obtain, maintain, and renew the  
9 short-term rental operating license as required by this section and Chapter 5.14  
10 LCMC. ~~owner obtains an annual vacation rental dwelling license or renewal license~~  
11 ~~as required by this section.~~ Provided the occupancy is otherwise lawfully conducted,  
12 the use may continue until such time as the property owners sell, transfer, or convey  
13 the property ~~license holder sells, transfers, or conveys the property~~ to which the  
14 approved use and short-term rental operating license apply. The property owners  
15 have ~~owner of the dwelling has~~ the burden of establishing a prior approved use when  
16 applying for or renewing a short-term rental operating license. ~~vacation rental~~  
17 ~~dwelling license or license renewal.~~

18  
19 3. A short-term rental accessory use (use of the dwelling unit as a short-term  
20 rental for no more than 30 nights per calendar year) that was approved by the city prior  
21 to November 23, 2023, shall be allowed to continue provided the property owners obtain,  
22 maintain, and renew the short-term rental operating license for a short-term rental  
23 accessory use as required by this section and Chapter 5.14 LCMC. ~~Provided the occupancy~~  
24 ~~is otherwise lawfully conducted, the use may continue until such time as the property~~  
25 ~~owners sell, transfer, or convey the property to which the approved short-term rental~~  
26 ~~accessory use and short-term rental operating license apply. The property owners have~~  
27 ~~the burden of establishing a prior approved short-term rental accessory use when~~  
28 ~~applying for or renewing a short-term rental operating license for a short-term rental~~  
29 ~~accessory use.~~

30  
31 4. Except as specifically provided in this subsection, any use conducted under subsection  
32 ~~(C) (E)~~ of this section must otherwise conform to all requirements of this section and other  
33 applicable code provisions, including but not limited to Chapters 3.04 and 5.14 LCMC.

34  
35 D. Violations. ~~Violation – Penalties – Sanction.~~

36  
37 1. Offering or making available a dwelling unit ~~vacation rental dwelling~~ for occupancy,  
38 use, or rent, as a short-term rental, with or without an exchange of value or other  
39 consideration, without first obtaining ~~city approval of the use~~ land-use approval for short-  
40 term rental use under this section and then obtaining the required short-term rental  
41 operating license under Chapter 5.14 LCMC, is a violation and enforceable as a Class B  
42 violation.  
43

1 a. Proof the dwelling unit is advertised, listed with an agent, or publicly described  
2 in any manner by the property owners or property owners' agent as a short-term rental  
3 creates a rebuttable presumption that a short-term rental exists and is available for  
4 occupancy, use, or rent. ~~owner or owner's agent as a vacation rental dwelling creates a~~  
5 ~~rebuttable presumption that a vacation rental dwelling exists and is available for use, rent,~~  
6 ~~or occupancy.~~

7  
8 b. Oral or written statements indicating a dwelling unit ~~vacation rental~~  
9 ~~dwelling~~ is or was made available for occupancy, use, or rent, ~~or occupancy,~~ including  
10 but not limited to any advertisement, offer, agreement, or correspondence in any  
11 medium, made on or about the date of an alleged violation, are admissible in court for  
12 the purpose of establishing a presumption that the dwelling unit ~~vacation rental~~  
13 ~~dwelling~~ was available for occupancy, use, or rent as a short-term rental on the date  
14 of the alleged violation, whether or not the dwelling unit was actually occupied, used,  
15 or rented as a short-term rental on such date. ~~rented, used or occupied on such~~  
16 ~~date.~~

17 c. When a dwelling unit is shown to be made available on a particular date as  
18 a short-term rental, it is presumed the short-term rental ~~vacation rental dwelling~~  
19 ~~is shown to be made available on a particular date, it is presumed the VRD~~  
20 continues to be made available unless the defendant proves otherwise.

21 2. Operating a short-term rental ~~vacation rental dwelling~~ in violation of any of the  
22 requirements of this section ~~standards of subsection (B) of this section~~ is a Class B  
23 violation enforceable as provided in Chapter 1.16 LCMC, a nuisance, and grounds for  
24 immediate termination and revocation of the short-term rental operating license  
25 under Chapter 5.14 LCMC. ~~grounds to suspend or revoke a license under Chapter 5.14~~  
26 ~~LCMC, and a nuisance.~~

27 3. A person convicted of violating this section is subject to a fine as a penalty as established  
28 in Chapter 1.16 LCMC. Each day of violation is a separate violation. Any conviction of any  
29 violation of any portion of LCMC 17.80.050 shall result in immediate termination and  
30 revocation of the short-term rental operating license, effective on the date and at the  
31 time of the conviction.

32 **SECTION 18. Findings Adopted.** The findings contained in the Whereas Clauses of this  
33 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial  
34 evidence in the whole record of this legislative proceeding are incorporated into this section by  
35 reference as if fully set forth herein, and are adopted in support of this legislative action.

36  
37 **SECTION 19. Severability.** The sections, subsections, paragraphs and clauses of this ordinance  
38 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the  
39 validity of the remaining sections, subsections, paragraphs and clauses.

40

1 **SECTION 20. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance  
2 takes effect 30 days after the date of its adoption.

3  
4 **SECTION 21. Codification.** Provisions of this Ordinance shall be incorporated in the City of  
5 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",  
6 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or  
7 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-17)  
8 need not be codified and the City Recorder is authorized to correct any cross-references and  
9 any typographical errors.

10  
11 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
12 9.2 of the City of Lincoln City Charter on the 23<sup>rd</sup> day of October, 2023 (First Reading) and on the  
13 23<sup>rd</sup> day of October, 2023 (Second Reading).

14  
15  
16 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23<sup>rd</sup> day of  
17 October, 2023.

18  
19  
20  
21 \_\_\_\_\_  
SUSAN WAHLKE, MAYOR

22 ATTEST:  
23  
24 \_\_\_\_\_  
25 JAMIE YOUNG, CITY RECORDER

26  
27  
28 APPROVED AS TO FORM:  
29  
30 \_\_\_\_\_  
31 DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY  
32



- NE 6<sup>th</sup> St from Hwy 101 to Mast \$122,898  
This request is to roll over funding that was in the FY2022-23 budget, but was not spent. (i.e. funded by beginning fund balance higher than budgeted for).
- SE 3<sup>rd</sup> from Hwy 101 to Neptune \$54,103  
This request is to roll over funding that was in the FY2022-23 budget, but was not spent. (i.e. funded by beginning fund balance higher than budgeted for)
- NE 28<sup>th</sup> Stormwater \$100,000  
This request is to increase the appropriation in the current budget by \$100K for this project. This request is funded by underspending on other projects in FY2022-23. (i.e. funded by beginning fund balance higher than budgeted for)
- Lincoln City Baywalk -\$540,000  
This project, along with the grant revenue, was inadvertently budgeted twice. This removes the duplicate grant revenue and project.
- Inter-governmental Revenue -\$370,000  
Revenue from the URA Roads End/Villages district, budgeted for at \$100,000, was received in FY2022-23, and \$270,000 of the grant funding for the Lincoln City Baywalk was also received in FY2022-23; this change is to remove the funding from FY2023-24 since it was already received in the prior year.

**Water Capital Fund:**

- SE 51<sup>st</sup> Water Main Replace Design \$35,000  
This request is an addition to budgeted projects, and is funded by underspending on other projects in FY2022-23 (i.e. funded by beginning fund balance higher than budgeted for)
- Water Meter Radio Read \$100,000  
This request is to roll over funding that was in the FY2022-23 budget, but was not spent. (i.e. funded by beginning fund balance higher than budgeted for)

**Sewer Capital Fund:**

- Nelscott Force Main \$290,258  
This request is to roll over funding that was in the FY2022-23 budget, but was not spent. (i.e. funded by beginning fund balance higher than budgeted for).
- Holmes Rd Pump Station \$465,532  
This request is to roll over \$365,532 funding that was in the FY2022-23 budget, but was not spent, (i.e. funded by beginning fund balance higher than budgeted for), and, add \$100,000 in appropriation (funded by capital reserves). A change order for this project

was presented to City Council at its June 26, 2023 meeting in the amount of \$115,280, and was approved.

- Ester Lee Pump Station \$93,130  
This request is to increase the appropriation in the current budget by \$93,130. Funded by (1) \$72,030 by underspending on other projects in FY2022-23, and (2) \$21,100 from capital reserves.

**Sewer SDC Reimbursement Fund:**

- Ester Lee Pump Station \$458,228  
This request is to roll over funding that was in the FY2022-23 budget, but was not spent. (i.e. funded by beginning fund balance higher than budgeted for).

**Council Options:**

1. Motion to approve Resolution 2023-27 adopting the supplemental budget for FY2023-24.
2. Motion to approve Resolution 2023-27 adopting the supplemental budget for FY2023-24, as amended.
3. Do not approve Resolution 2023-27.

**Attachments:**

Resolution 2023-27 - Supplemental Budget FY2023-24 (DOC)

**RESOLUTION 2023-27**

**A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2023-2024, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS**

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

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

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

8 Section 1. That it hereby adopts the supplemental budget for 2023-2024, and is now on  
9 file in the office of the Finance Director.

10 Section 2. BE IT FURTHER RESOLVED that the additional amounts for the fiscal year  
11 ending June 30, 2024, for the purposes shown below are hereby appropriated as follows:

12 SEE EXHIBIT "A"

13 This resolution shall be effective upon passage.

14 PASSED AND APPROVED by the City Council of The City of Lincoln City this 23<sup>rd</sup> day of  
15 October 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY

**EXHIBIT A  
SUMMARY OF SUPPLEMENTAL BUDGET**

---

**FUND: STREET CAPITAL**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	962,646	1 Street Improvements	52,646
2 Reimbursement from URA	-100,000		
3 Inter-governmental Revenue	-810,000		
<b>Revised Total Resources</b>	<b>9,012,246</b>	<b>Revised Total Requirements</b>	<b>9,012,246</b>

**Comments:**

*To rollover FY22-23 underspending (\$592,646) and add to budgeted capital, to move revenue received in FY22-23 (\$370,000) to beginning fund balance, and to remove double booked grant revenue and capital project (\$540,000)*

---

**FUND: WATER CAPITAL**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	135,000	1 Capital Outlay	135,000
<b>Revised Total Resources</b>	<b>2,735,717</b>	<b>Revised Total Requirements</b>	<b>2,735,717</b>

**Comments:**

*To rollover FY22-23 underspending, and add \$135,000 to water capital budget*

---

**FUND: SEWER CAPITAL FUND**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	727,820	1 Capital Outlay	727,820
<b>Revised Total Resources</b>	<b>6,750,711</b>	<b>Revised Total Requirements</b>	<b>6,750,711</b>

**Comments:**

*To rollover underspending in FY22-23, and increase capital outlay appropriation*

---

**FUND: SEWER SDC REIMBURSEMENT**

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	458,228	1 Capital Outlay	458,228
<b>Revised Total Resources</b>	<b>847,710</b>	<b>Revised Total Requirements</b>	<b>847,710</b>

**Comments:**

*To rollover underspending in FY22-23, and increase capital outlay appropriation*

---

# Council Communication

---

## Resolution 2023-28 Budget Transfer

Meeting Date:	October 23, 2023	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

---

### Authority:

ORS 294.463 provides for transfers of appropriations within a fund or between funds.

### Background:

Below are items staff is requesting a budget transfer for:

#### General Fund

- Economic Development: add \$150,000 for the relocation of the ODOT EV Hwy Charging Station at the Lincoln City Cultural Center. The City is required to pay this per the agreement with EVCS (Electric Vehicle Charging Systems), the owner/operator of that charging station. Due to the LCCC Cultural Plaza Project, the EV station had to be relocated. This would be funded from contingency.
- Transfers Out: add \$100,000 to transfers out, to the Property Abatement fund. This would be funded by contingency.

#### Street Operations Fund

- Add \$14,000 to the budget for a paint sprayer & trailer, funded from contingency.
- Add \$6,500 to the budget for additional torch down supplies, funded from contingency.

#### Lincoln Square Operations Fund

- When Brulee started operations in the culinary center, several items were found that needed maintenance and repairs, to meet code and to make items operational. Request is to add \$25,000 to the budget for culinary center maintenance and repairs. This would be funded from contingency.

#### Property Abatement Fund

- Add \$100,000 to the budget for additional funding for abatement and dangerous building demolition. This would be funded by a transfer from the General fund.

**Council Options:**

1. Motion to approve Resolution 2023-28 adopting budget transfers for FY2023-24.
2. Motion to approve Resolution 2023-28 adopting budget transfers for FY2023-24, as amended.
3. Do not approve Resolution 2023-28.

**Attachments:**

Resolution 2023-28 - Budget Transfers (DOC)

**RESOLUTION 2023-28**

**A RESOLUTION AUTHORIZING AND DIRECTING BUDGET TRANSFERS  
FOR THE CITY OF LINCOLN CITY, OREGON IN THE 2023-2024 FISCAL YEAR  
BUDGET**

1           WHEREAS, the Finance Director has proposed certain budget appropriation  
2 transfers within the funds of the 2023-2024 Lincoln City budget; and

3           WHEREAS, the changes in departmental needs and staffing have resulted in  
4 needed changes to previously budgeted appropriations; and

5           WHEREAS, Oregon Budget Law allows the transfers of appropriations within a  
6 given fund when authorized by an official resolution of the City Council; and

7           WHEREAS, the City routinely budgets certain amounts and contingencies to  
8 provide budget resources to fund appropriations not anticipated at the time of adoption  
9 of the budget; and

10          WHEREAS, said transfers of appropriations are needed and will be used for  
11 purposes consistent with originally authorized expenditures in the budget; and

12          WHEREAS, said proposed budget appropriation transfers are set forth in the  
13 attached Exhibit "A"; and

14          WHEREAS, it appears to this Council that said proposed budget appropriation  
15 transfers are appropriate and should be made in conformance with the provisions of  
16 Oregon Revised Statutes 294.463.

17          NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln  
18 City, that the proposed budget transfers for Lincoln City 2023-2024 Budget are hereby  
19 ratified and approved and the Finance Director is hereby authorized and directed to  
20 make said appropriation transfers.

21

22 This Resolution will become effective upon passage.  
23 PASSED AND APPROVED by the City Council of the City of Lincoln City this  
24 23<sup>rd</sup> day of October 2023.

\_\_\_\_\_  
SUSAN WAHLKE, Mayor

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, City Recorder

**EXHIBIT A  
SUMMARY OF BUDGET TRANSFERS**

**FUND: GENERAL FUND**

Resource	Amount	Expenditure	Amount
1		1 Economic Development	150,000
2		2 Transfers Out	100,000
3		3 Contingency	-250,000
<b>Revised Total Resources</b>		<b>Revised Total Requirements</b>	
	20,937,214		20,937,214

*To provide \$100K appropriation for relocation of the ODOT EV Hwy Charging Station required by the LCCC Cultural Plaza Project. To provide \$100K appropriation to transfer out to Property Abatement fund.*

**FUND: STREET OPERATIONS**

Resource	Amount	Expenditure	Amount
1		1 Street Maintenance	20,500
2		2 Contingency	-20,500
<b>Revised Total Resources</b>		<b>Revised Total Requirements</b>	
	3,353,399		3,353,399

*To add \$14,000 for paint sprayer & trailer, and \$6,500 for additional torch down supplies.*

**FUND: LINCOLN SQUARE**

Resource	Amount	Expenditure	Amount
1		1 Lincoln Square Maintenance	25,000
2		2 Contingency	-25,000
<b>Revised Total Resources</b>		<b>Revised Total Requirements</b>	
	800,159		800,159

*To add appropriation for culinary center maintenance and repairs.*

**FUND: PROPERTY ABATEMENT**

Resource	Amount	Expenditure	Amount
1 Transfers In	100,000	1 Abatement Program	100,000
<b>Revised Total Resources</b>		<b>Revised Total Requirements</b>	
	231,977		231,977

*To add appropriation to increase budget for abatement and dangerous building demolition.*